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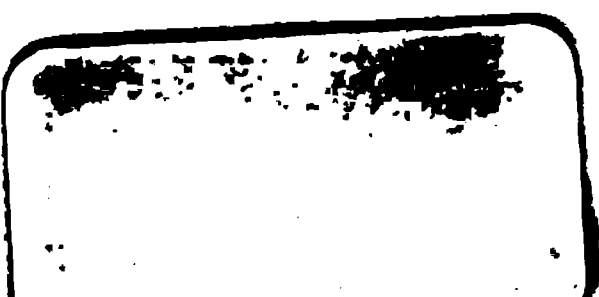


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A  
D I G E S T  
OF THE  
**Criminal Statute Law**  
OF  
E N G L A N D.



ALPHABETICALLY AND ANALYTICALLY ARRANGED.

BY  
HAROLD NUTTALL TOMLINS, ESQUIRE,  
OF THE INNER TEMPLE.

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PART THE SECOND.

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1819.





## P R E F A C E.

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**I**N this Digest will be found all the Statutes recognizing, enforcing, creating, or in anywise affecting the Common and Statute Laws relating to the several kinds and degrees of Felonies and Misdemeanors committed within the Realm of England, its Colonies and other Dependencies, as well as upon the High Seas, which are punishable in Courts of Record corporally and otherwise.

No Work, it is believed, has ever yet appeared containing the whole Criminal Statute Law of England; and as the various Acts relating thereto are dispersed (necessarily without any uniformity) through the numerous volumes of the printed Statutes, the Search for particular Acts frequently becomes arduous even to Professors of the Law.

It is observable in the most correct Works on this subject, that a very small Portion of the enacting Part of the Statute is set forth: the Preamble, which is undoubtedly a most material Part of the Act, is generally omitted; the detail of other Parts so shortened, that no correct judgment can be formed of the intent of the Legislature in framing the Law; and the Statutes enforcing, reviving, continuing, or making perpetual former Laws, are in many instances wholly omitted, or but slightly noticed.

To remedy these Inconveniences and supply such Deficiencies is the object of this Work; but the selection includes only Statutes the Proceedings upon which are strictly Criminal, and those which impose Fines alone (recoverable by Action of Debt or other similar Process), unaccompanied by Disabilities or Corporal Punishment, upon the Omission of any Act directed to be performed, or on the Commission of any illegal or prohibited Act, have not in general been inserted in this Collection; with the exception of a few instances, wherein it was judged necessary, to shew the whole Operation of the Statutes made upon the same subject.

Notwithstanding the Alphabetical and Analytical Arrangement of this Digest, yet great care has been taken so to select the Titles as to bring together the whole Law relating to each subject: to facilitate reference and simplify detail has also been a main object in the execution of this Work, and to attain these desirable ends the principal Titles have been divided under general Heads, and again subdivided into Sections; by which means the several degrees of similar Offences have been, it is hoped, brought more readily into view, repetition has become unnecessary, and too strict a classification been avoided.

In numerous instances, where the text of the earlier printed Editions of the Statutes appeared incorrect, it has been corrected by reference to the Authentic Edition.

Having thus noticed the Principles whereon the Work has been compiled, and the Mode in which it has been endeavoured to be carried into effect, it may not perhaps be thought unnecessary to give a short detail of the Contents of the principal Titles in these Volumes.

Under the first considerable one which occurs, namely, ARSON, has been placed all the Statutes punishing the Offence of maliciously setting fire to or burning Dwelling Houses or other Buildings, Cocks, Mows, Ricks, or Stacks, &c. of Corn, Hay, Straw, or Wood. Under ARTIFICERS, and Division IV. of MANUFACTORIES, will be found the punishment of the Offences of enticing Artificers to quit the Country, and of exporting manufacturing Tools, Models, and Utensils. Title ASSAULT contains the Statutes punishing such Offences as come under that Head, namely, felonious and malicious Assaults by shooting, &c. cutting and stabbing; felonious Assaults on Persons wrecked, with intent to rob; on Privy Counsellors; by Mariners on their Commander; and on Master Woolcombers by their Journeymen; Assaults (not being felonious) with intent to tear or injure Clothes; in Churches and Palaces; on Members of Parliament; on Judicial Officers acting in the Preservation of Wrecks, &c.; and on account of Money won at Play. The Titles BANK of ENGLAND, Division III. i. of FORGERY, and Division XX. i. of LARCENY and ROBBERY, contain all the Statutes framed to protect that Corporation from Fraud, and punishing their Servants for Misconduct. Under BLACK ACT are to be found the Provisions of that Statute at length. The Title BULLION and PLATE contains an Arrangement of all the Acts relating to the Standard of Gold and Silver; punishing the

Counterfeiting, Exportation, illegal Sale or Possession of Bullion and Plate, and of gilding Copper or Latten Wares. The Regulations for the safe Custody of BUONAPARTE will be found under that Title. Under the head CATTLE are contained the several Acts for punishing the Larceny of, or maliciously killing or maiming, &c. thereof; relative to the Restitution of stolen Horses, and to prevent the Exportation of Rams, Sheep and Lambs. Under the Title CLERGY (Benefit of) will be found the Statutes relating thereto. Under COAL WORKS are inserted the Laws punishing the setting on fire or drowning Coal Mines, &c.; the demolishing or injuring Machinery used in Collieries; and the seducing Colliers to quit the Kingdom. COIN shews all the Statutes protecting the Currency of this Kingdom, against the Exportation of the same, and punishing the counterfeiting of Foreign Coin, and the Importation or unlawful Possession of the same. Under the Title EAST INDIA COMPANY are placed the Statutes enabling the Court of King's Bench to hear and determine in England Offences committed within our Eastern Possessions. FALSE PRETENCES contains the Laws relating to those Offences. Under the several Divisions of FORGERY are the Statutes relating to that Crime. GAME contains the Laws for the Protection thereof, the breach of which is made Felony or Misdemeanor. Under HOMICIDE are placed the Statutes punishing Petty Treason, Murder (in England and Abroad) and the Accessories thereto, Murder of Bastards, and Manslaughter; the Statute of stabbing; Homicide by overloading Boats on the Thames; and by Foresters in killing Trespassers; Appeals of Murder, Trial, Judgment, and Forfeiture in Cases of Murder and Manslaughter.

In the Selections under the Title LARCENY and ROBBERY (as comprehending so large a branch of the Criminal Law) great pains have been taken so to arrange the several Divisions and Sections as to shew the various Crimes, their Degrees and Punishments; and therefore under this Head appear all the Statutes relating to Larceny and Robbery in Dwelling Houses, &c.; in Churches, Chapels, and other Holy Places; in any Booth or Tent in Fairs or Markets; from the Person in or near the Highway or elsewhere; Larceny privately in any House, Warehouse, Coach-house, or Stable; of Lead, Iron, or other Metal or Utensil, and of Trees fixed to the Freehold; in Ships, on Wharfs, &c. and from Vessels wrecked, &c.; from Bleaching Crofts, Racks, or Tenters, and of Wool, &c. left out to dry; and

in Manufactories; in Northern Counties by taking Black Mail; Larceny from the Person; taking or decoying away Children under Ten Years of Age; Larceny of Records and Choses in Action robbing the Mail, and Larceny of Letters and Packets sent by the Post; stealing or embezzling Public Stores; breaking into any Mine, &c. of Black Lead; Larceny of Fish in Rivers, &c.; of Oysters, &c. in the Lays; by Lodgers; Embezzlement and Larceny by Servants in general, and of the Bank and other Public Companies in particular, and by Public Officers: Accessories to Larceny and Robbery; Trial of Offenders found with the stolen Property in a foreign County, and the Restitution of stolen Goods.

**MALICIOUS INJURIES** comprize the Acts punishing the Destruction of Turnpike Houses, Gates, &c. and Locks and other Works on navigable Rivers; in respect to the drainage of certain Lands; cutting down the Heads of Ponds, or other Waters, or of Conduits; to barking Fruit Trees, and other similar Offences, the Description of which would, if not classed together under some one appropriate Head, have necessarily led to numerous Repetitions. Under **MANUFACTORIES** are all the Provisions made against injuring the same, or breaking into such Places with intent to steal, or destroy Frames or Goods therein; the Embezzlement of manufacturing Materials by Persons intrusted therewith, the unlawful receipt of the same by others, and the Punishment of certain Artificers voluntarily quitting the Kingdom to practise their Trades abroad. Title **MAYHEM** contains the Statutes relating to the Punishment of the different Species of that Offence. Under the Title **NAVY** are the Articles thereof, the Constitution of and other Provisions relating to Naval Courts Martials, and the Regulations for punishing Disturbances in the Dock Yards. The Enactments against taking unlawful **OATHS** will be found under that Head; and all the Offences relating to **PIRACY**, Accessories to, and Trial of the same, are digested under that Title. Title **PUBLIC STORES** contains the Statutes punishing the Burning or Destruction thereof. The **QUARANTINE LAWS** are placed under that Head. Offences committed against Women and Infants by Abduction, Rape, and the Administration of Poison or other destructive Substance with intent to procure Miscarriage, will be found under Titles **RAPE** and **WOMEN**.

The Offences against Religion (classed under that Title) having in numerous Instances become obsolete, or been con-

ditionally suspended by the Operation of later Statutes, it has not been thought necessary to insert all the Acts relating thereto at length. **REVENUE** contains the Regulations for preventing Smuggling, the Breach whereof subjects the Offender to punishment for Felony or otherwise corporally, and against Forgeries and Perjuries relative to the Duties of Customs and Excise. The Offence of personating **SEAMEN**, or committing other Acts to defraud them of Wages and Prize Money, appear under that Title. The Acts relating to Seditious Meetings and Societies are placed under the Head of **SEDITION**. Title **SHIPS** comprizes the Offences of wilfully casting away, &c. any Vessel, setting fire to Ships of War, &c., plundering Vessels wrecked, Injuries to Moorings of Vessels in different Situations, and the riotous Obstruction by Keelmen, Seamen or others, of the loading of Vessels, or setting fire to the same. The Title **SLAVE TRADE** contains the Statutes regulating and ultimately abolishing and prohibiting the same. Under the Head of **SOLDIERS** will be found the last annual Mutiny Acts, for punishing Mutiny and Desertion in the Army and the Royal Marine Forces; the Offence of enlisting into Foreign Service; and of personating Officers, Petty Officers, Soldiers, and Marines, or committing other acts to defraud them of their Wages, &c. The Statutes punishing the sending of **THREATENING LETTERS** are inserted under that Head; as are all the Laws relating to the **TRANSPORTATION** or other Judgment against Felons under that Title. The several Species of **TREASON**, as declared and defined by Statute; Misprision of Treason; and the Witnesses, Trial, Judgment, Outlawry, and Forfeiture in Treason, are digested under that Title.

The Work, as may well be expected, contains, besides the Titles and Subjects here mentioned, numerous others which will be found under appropriate Heads.

Perhaps some of the Statutes to be found in this Collection may not be thought to come strictly within the Plan of this Work: their Operation and general Utility however has been deemed a sufficient reason for their Insertion.

A Review of the whole of the Criminal Statute Law will shew many inconsistencies, some of which are noticed in the Body of this Work, and one Instance, whereof occurs in the last general Mutiny Acts, 59 G. 3. c. 9. (s. 128, 153), and 59 G. 3. c. 10. s. 85; whereby Persons guilty of some Offences specified in those Sections may be sentenced to stand in the

Pillory, notwithstanding the Statute 56 G. 3. c. 138. had previously abolished that Punishment in all Cases but those of Perjury and Subornation thereof.

Upon the Publication of the First Part of this Work, the Compiler ventured a few Observations on the deficiency of some Parts of the Criminal Law, and to suggest the necessity of some Provisions being made to remedy the same; in addition to which he trusts he will escape the charge of Presumption, in alluding to one part of those Laws which appears to require amendment.

The Statute 43 G. 3. c. 58. (s. 3). enacts, that the Trials of Women charged with the Murder of any Issue of their Bodies Male or Female, which being born alive would by Law be Bastard, shall be governed by the same Rules of Evidence and of Presumption as are by Law used and allowed in respect to other Trials for Murder: and then (by s. 4.) provides that it shall be lawful for the Jury by whose Verdict any Prisoner *charged with such Murder as aforesaid* shall be acquitted, to find, in case it shall so appear in Evidence, that the Prisoner was delivered of such Issue of her Body, and that she did, by secretly burying or otherwise, endeavour to conceal the Birth thereof; and that thereupon the Court may adjudge that such Prisoner shall be committed to the Common Gaol or House of Correction for any Time not exceeding Two Years.

This Statute therefore does not appear to authorize the Trial of a Woman for the Concealment of the Birth of her Bastard Child, unless there is in the first instance sufficient Evidence to justify the finding against her of a Bill for Murder; such Concealment not being made a substantive Offence by the Statute. The Compiler has been informed by Magistrates and Coroners of the Occurrence in numerous instances of such Concealment, but wherein there not being Evidence sufficient to raise the Presumption of Murder, the Delinquents escaped Punishment.

In a Work of this nature it is but too probable that the existence of some errors and inaccuracies will be detected: but from the attention bestowed in its formation, the Compiler trusts they will not be found either numerous or very material in their nature; those already discovered are noticed at the end of the Second Part.

The Compiler flatters himself that the utility of this Digest will be obvious: by the perusal of it, the Community will obtain

a perfect knowledge of the several Branches of the Criminal Law here selected; it will enable Justices of the Peace readily to become acquainted with, and refer to every Statute requisite to be known in the Exercise of this Branch of their Jurisdiction; and that the Plan on which it has been executed, will render it a useful Companion at the Assizes and Sessions.

The Work has been brought down to the close of the last Session of Parliament, and a short Appendix added, containing such Statutes as were not published in sufficient Time for Insertion in the Body of the Work.

**H. NUTTALL TOMLINS.**

*Sept.* 1819.





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A  
D I G E S T  
OF THE  
**Criminal Statute Law**  
OF  
**ENGLAND.**

---

**Laws.**

**WHEREAS** the Laws of England are the Birthright of the People thereof, and all the Kings and Queens who shall Ascend the Throne of this Realm, ought to administer the Government of the same according to the said Laws, and all their Officers and Ministers ought to serve them respectively according to the same. The Lords Spiritual and Temporal, and Commons, do therefore further humbly pray, that all the Laws and Statutes of this Realm for securing the established Religion, and the Rights and Liberties of the People thereof, and all other Laws and Statutes of the same now in force, may be ratified and confirmed; and the same are by his Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, and by Authority of the same, ratified and confirmed accordingly.  
12, 13 W. 3. c. 2. s. 3.

A general confirmation of all laws.

**Letters of Marque.**

By section 31 of the Stat. 29 G. 2. c. 34. reciting that "good and necessary laws have been made, and are still in force within several of his Majesty's Colonies or Plantations in America, for preventing the carrying off from the said Colonies or Plantations

Privateers going into ports in British colonies in America, subject to the colonial laws there.

any Servant or Slave without the consent of the Owner, or the carrying off from thence any other Person or Persons whatsoever, until such Person shall have taken out his Ticket from the Secretary's Office within such respective Colony or Plantation, in such manner and under such Penalties and Forfeitures as in and by the said several Laws is declared and provided;" and then enacts, that all Commanders of private Ships of War or Merchants Ships having Letters of Marque, shall, upon their going into any of those Ports or Harbours, be subject, and they are hereby determined to be subject to the several Directions, Provisions, Penalties, and Forfeitures, in and by such Laws made and provided; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Where crimes committed on board Privateers, cognizable only by court martial, shall be tried.

The 34th section of the same Statute provides that all Offenders who shall be accused of such crimes as are cognizable only by a Court-martial, shall be confined on board such Privateer or Merchant Ship carrying Letter of Marque, on which such Offence shall be committed, until they shall arrive in some Port in Great Britain or Ireland, or can meet with such a number of his Majesty's Ships of War abroad as are sufficient to make a Court-martial; and upon application made by the Commander of such Privateer or Merchant Ship carrying Letter of Marque to the Lord High Admiral of Great Britain, or Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or the Commander in Chief of his Majesty's said Ships of War abroad, the said Lord High Admiral, or Commissioners, &c. for the time being, or any three or more of them, or such Commander in Chief abroad, are hereby authorized and required to call a Court Martial for trying and punishing the said Offences.

## **Libels.**

Upon the trial for a libel, the Jury may give a general verdict upon the whole matter in issue, without being required to find the defendant guilty merely upon proof of the publication of the libel, and the sense imputed to it;

The Statute 32 G. 3. c. 60. intituled "An Act to remove Doubts respecting the functions of Juries in cases of Libel," recites that "Doubts have arisen whether on the Trial of an Indictment or Information for the making or publishing any Libel, where an Issue or Issues are joined between the King and the Defendant or Defendants on the Plea of Not Guilty pleaded, it be competent to the Jury impannelled to try the same, to give their Verdict upon the whole Matter in Issue;" and then declares and enacts, that on every such Trial, the Jury sworn to try the Issue may give a general Verdict of Guilty or Not Guilty

upon the whole Matter put to issue upon such Indictment or Information; and shall not be required or directed, by the Court or Judge before whom such Indictment or Information shall be tried, to find the Defendant or Defendants guilty, merely on the Proof of the Publication by such Defendant or Defendants of the Paper charged to be a Libel, and of the Sense ascribed to the same in such Indictment or Information.

Provided always, that on every such Trial the Court or Judge before whom such Indictment or Information shall be tried, shall according to their or his discretion give their or his opinion and directions to the Jury on the Matter in Issue between the King and the Defendant or Defendants, in like manner as in other Criminal Cases. s. 2.

but the Court or Judge may give their or his opinion and direction.

Provided also, that nothing herein contained shall extend or be construed to extend to prevent the Jury from finding a special Verdict in their discretion as in other Criminal Cases. s. 3.

Jury may find a special verdict;

Provided also, that in case the Jury shall find the Defendant or Defendants guilty, it shall and may be lawful for the said Defendant or Defendants to move in arrest of Judgement, on such ground and in such manner as by Law he or they might have done before the passing of this Act, any thing herein contained to the contrary notwithstanding. s. 4.

and defendant may move in arrest of judgement.

## **Maintenance.**

None of the King's Clerks, nor of any Justicer, from henceforth shall receive the Presentment of any Church, for the which any Plea or Debate is in the King's Courts, without Special Licence of the King; and that the King forbiddeth, upon pain to lose the Church and his Service; and that no Clerk of any Justicer or Sheriff take part in any quarrels of matters depending in the King's Court, nor shall work any fraud whereby common right may be delayed or disturbed; and if any so do, he shall be punished by the pain aforesaid, or more grievously, if the Trespass do so require. 3 Ed. 1. c. 28.

Clerks to Justices, &c. shall not take part in quarrels.

It is provided that no Sheriff shall suffer any Barretors or Maintainers of Quarrels in their Shires, neither Stewards of great Lords, nor other (unless he be Attorney for his Lord), to make Suit, nor to give Judgments in the Counties, nor to pronounce the Judgments, if he be not specially required and prayed of all the Suitors and Attornies of the Suitors which shall be at the Court; and if any do, the King shall punish grievously, both the Sheriff and him that doth. 3 Ed. 1. c. 33.

Barretors, &c. shall not be allowed in shires. Stewards shall not give judgments unless specially required.



The punishment  
of such as main-  
tain suits.

And further, because the King hath heretofore ordained by Statute (1), that none of his Ministers shall take no Plea for Maintenance, by which Statute other Officers were not bounden before this time; the King will that no Officer, nor any other (for to have part of the thing in plea), shall not take upon him the business that is in suit; nor none upon any such covenant shall give up his right to another; and if any do, and he be attainted thereof, the taker shall forfeit unto the King so much of his Lands and Goods as doth amount to the value of the part that he hath purchased for such Maintenance; and for this Attaindre whosoever will shall be received to sue for the King before the Justices, before whom the Plea hangeth, and the Judgment shall be given by them; but it may not be understood hereby that any person shall be prohibited to have Counsel of Pleaders, or of learned men in the Law, for his fees, or of his Parents and next friends. 28 Ed. 1. st. 3. c. 11.

Fitz. Car. 15.  
Rast. 119. 427,  
&c. Regist.  
182, 3.

The King's  
Councillors or  
great men, &c.  
shall not main-  
tain quarrels.

Item, because the King desireth that common right be administered to all persons, as well poor as rich; he commandeth and defendeth that none of his Counsellors, nor of his house, nor none other of his Ministers, nor no great man of the Realm by himself, nor by other, by sending of letters nor otherwise, nor none other in this Land, great nor small, shall take upon them to maintain Quarrels or Parties in the Country, to the let and disturbance of the Common Law. 1 Ed. 3. c. 14.

## Malicious Injuries.

§ 1. *In respect to Turnpikes and Highways, and Locks, &c., or other Works on navigable Rivers erected by Authority of Parliament.*

(And see Titles RIVERS, SEA BANKS.)

§ 2. *In respect to the Drainage of certain Lands.*

§ 3. *By cutting the Head or Dam of any Pond or other Waters, or the Head or Pipe of any Conduit.*

(And see Title FISH PONDS.)

§ 4. *By barking Fruit Trees, cutting standing Corn, robbing Orchards, or breaking Hedges, &c.*

§ 1.

The statute 1 G. 2. st. 2. c. 19., intituled "An Act for punishing such persons as shall wilfully and maliciously pull down or destroy Turnpikes (2) for repairing Highways, or

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(1) The Statute 3 Ed. 1. c. 25. See this work, ante, part the first, title CHAMPERTY, page 102.

(2) This part of the Act is repealed. See post, p. 562.

Locks, or other Works erected by Authority of Parliament, for making Rivers Navigable;" recites that whereas several ill designing and disorderly persons have in several parts of this Kingdom associated themselves together both by day and night, and cut down, pulled down, burnt, and otherwise destroyed several Turnpike Gates and Houses which have been erected by the authority of several Acts of Parliament, made for repairing diverse Roads within this Kingdom, by Tolls taken or to be taken at such Turnpikes, and thereby prevented the Toll from being received, which has lessened the security of diverse of his Majesty's good Subjects for considerable Sums of Money, which they have advanced or lent on the credit of the said Acts, and deterred others from lending any Money on the same, and thereby the said Acts are become ineffectual, the Laws now in force not inflicting any Punishment on such Offenders suitable to their Offences; and that whereas other evil disposed persons have threatened the pulling down and destroying of Locks, Sluices, and Floodgates, erected to preserve and secure the Navigation of Rivers made Navigable, pursuant to Acts of Parliament for that purpose; for preventing such wicked and unlawful practices for the future, and for rendering the said Acts more effectual, it is enacted, that if any person or persons whatsoever, from and after the 24th June 1728, shall either by day or night wilfully and maliciously break down, cut down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or other Fence or Fences, belonging to any such Turnpike Gate or Turnpike Gates, erected or to be erected to prevent Passengers from passing by without paying the Toll directed to be paid by any Act or Acts of Parliament made or to be made for that purpose, every and all such person or persons so offending, being lawfully convicted thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses, before any Two or more Justices of the Peace of the County, Riding, Division, City, Town, Borough, or Corporation, wherein any such Offence or Offences shall be committed, or before the Justices of the Peace in open Sessions (who are hereby authorized and empowered summarily and finally to hear and determine the same), shall be sent to the common Gaol, or else to the House of Correction, there to continue and be kept to Hard Labour for the space of Three Months, without bail or mainprize; and the said Justices shall also order and adjudge that such Offender

Persons who shall break down any turnpike gate, &c. or any fence, &c. belonging thereto, shall be imprisoned three months and whipped.

and Offenders shall be, by the Master or Keeper of such Gaol or House of Correction as aforesaid, on the first convenient Market Day, once publicly and openly whipt in such City, Town, Borough, or Corporation wherein or near which such Offence shall be committed, at the Market Cross or Market Place there, between the hours of Eleven and Two of the Clock. s. 1.

Second offence  
felony and  
transportation.

Pulling down,  
&c. any house  
erected for the  
use of any turn-  
pike gate, or  
breaking down,  
&c. any lock,  
sluice, or flood-  
gate on any  
navigable river,  
shall be felony,  
and transporta-  
tion for seven  
years.

If any such person or persons so convicted shall, after the said 24th June, commit any of the Offences aforesaid a second time, or if any person or persons shall, either by day or night, wilfully and maliciously pull down or demolish any House or Houses erected or to be erected for the use and service of any Turnpike Gate or Turnpike Gates, or shall wilfully and maliciously break down or demolish any Lock, Sluice, or Floodgate erected or to be erected by authority of Parliament upon any navigable River for preserving or securing the Navigation thereof, and shall be lawfully convicted of the same respectively upon Indictment, before any of his Majesty's Justices of Assise, Oyer and Terminer, or General Gaol Delivery for the County, City, Town, Borough, or Corporation, where such offence or offences respectively shall be committed, every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Felon and Felons shall be subject and liable to the like Pains and Penalties as in cases of Felony; and the Courts, by and before whom such person or persons shall be tried, shall and hereby have power and authority to transport such Felons for the space of Seven Years, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm. s. 2.

Limitation of  
actions.

Defendants may  
plead the general  
issue.

If any action or suit shall be commenced against any person or persons for any thing done in pursuance of this present Act, in every such case the action or suit shall be commenced within Six Months next after the fact committed, and not afterwards, and shall be laid and brought in such County or Counties, Place or Places, where the cause of action shall arise, and not elsewhere; and the defendant and defendants, in such action or suit to be brought, shall and may plead the General Issue, Not Guilty, and give this Act and the special Matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Act; and if it shall appear so to be done, or that such action or suit shall be brought after the time before limited for bringing the same, as aforesaid, or shall be brought in any other County or Counties, Place or Places, that then the Jury shall find for the defendant

or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or actions after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble Costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law. 1 G. 2. st. 2. c. 19. s. 3.

This Act shall be publicly read at every Quarter Sessions, and at every Leet or Law Day. s. 4.

This act shall be read at Quarter Sessions, leets, and law days.

So much of this Act as relates to *Turnpikes*, was by the Statute 7 G. 3. c. 40. s. 61. repealed; and by 13 G. 3. c. 84. s. 86. it is enacted, that the said Act 7 G. 3. c. 40. (*except so much thereof as repeals the several Acts therein mentioned*) shall be and is repealed.

The Statute 5 G. 2. c. 33. intituled "An Act to explain, amend, and render more effectual," the Act 1 G. 1. st. 2. c. 19. recites that statute; and that whereas the provisions by the said Act made for punishing such Offenders, have by experience been found to be insufficient, &c.: For remedy thereof, and for rendering the said Act more effectual, be it enacted, that if any person or persons whatsoever, from and after the 24th June 1732, shall either by day or night wilfully and maliciously break down, cut down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates (1), or any Post or Posts, Rail or Rails, Wall or Walls, or other Fence or Fences belonging to any such Turnpike Gate or Turnpike Gates, erected or to be erected to prevent passengers from passing by without paying the Toll directed to be paid by any Act or Acts of Parliament already made or hereafter to be made for that purpose, and shall be lawfully convicted of the same upon Indictment before any of His Majesty's Justices of Assize, Oyer and Terminer, and General Gaol Delivery for the County, City, Town, Borough, or Corporation, where such Offence or Offences shall be committed, every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Felon and Felons shall be subject and liable to like pains and penalties as in cases of Felony; and the Courts, by and before whom such person or persons shall be tried, shall and hereby have power and authority to transport such Felons for the space of seven years, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm. s. 1.

Persons maliciously destroying any turnpike gate, or post, fence, &c. belonging thereto, shall be guilty of felony, and be transported for seven years.

(1) See post, p. 562.

Offenders returning from transportation, shall be guilty of felony without clergy.

Charges of Prosecution to be paid out of the tolls.

Sheriff, by order of Justices in their General Quarter Sessions, to remove unwarrantable turnpikes.

Act 1 G. 2. and this, continued for five years.

If such Offender or Offenders shall return into Great Britain or Ireland, before the expiration of the said term of seven years, contrary to the true intent and meaning hereof, or of the said Act passed in the first year of His present Majesty's reign, [1 G. 2. st. 2. c. 19.] he or they so returning shall suffer Death as Felons, and have execution awarded against them as persons attainted of Felony, without benefit of clergy. 5 G. 2. c. 33. s. 2.

The Trustees, Commissioners, Proprietors, Undertakers, or other person or persons whatsoever, authorized or empowered to put in execution any Act or Acts of Parliament made or to be made for repairing of Highways, or making Rivers navigable, shall and may, by and out of the tolls, rates, and duties arising by virtue of any such Act or Acts of Parliament, pay and discharge the costs, charges, and expences arising or becoming due, for or by reason of any action, information, indictment, or other prosecution whatsoever, which shall or may be commenced or prosecuted for or on account of the pulling down, or otherwise destroying any Turnpike Gate, Post, Rail, or other Fence or Fences belonging to any Turnpike Gate, or any Turnpike House or Houses, or any Lock, Sluice, Floodgate, or other Works on any navigable River, erected or to be erected by authority of Parliament. s. 3.

If the Commissioners and Trustees appointed or to be appointed to put any Act of Parliament made or to be made for the repair of any Highway or Highways in execution, shall abuse or exceed their power, by erecting or causing to be erected, or continuing or causing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any power by virtue of any Act of Parliament to erect such Gate or Gates, Turnpike or Turnpikes, it shall and may be lawful to and for the Justices of the Peace of the County where any such Gate or Gates, Turnpike or Turnpikes, is, are, or shall be erected or continued, in their General Quarter Sessions assembled, upon complaint of any such abuse or excess of power in such Commissioners and Trustees, in a summary way to hear and determine the same, and thereupon to order the Sheriff of the County (who is hereby authorized and required to execute such order), to remove any such Gate or Gates, Turnpike or Turnpikes. s. 4.

This Act, and also the said Act hereby explained and amended, and every article, clause, and sentence therein contained, not altered by this present Act, shall be in full force and effect for five years. s. 5. (See post, page 562, as to the revival and continuance of this Statute.)

So much of this Act *as relates to Turnpikes*, was by Statute 7 G. 3. c. 40. s. 61. repealed; and then by s. 86. of 13 G. 3. c. 84.

it is enacted, that from and after the 28th September 1773, the said Act 7 G. 3. c. 40. except so much thereof as repeals the several Acts therein mentioned, shall be and is repealed.

The Statute 8 G. 2. c. 20. intituled "An Act for rendering the Laws more effectual for punishing such persons as shall wilfully and maliciously pull down or destroy Turnpikes (1) for repairing Highways or Locks, or other Works erected by Act of Parliament for making Rivers navigable, and for other purposes therein mentioned," reciting the Statutes 1 G. 2. st. 2. c. 19. and 5 G. 2. c. 33.; and that whereas the Provisions made by the said Acts for punishing such Offenders have, by experience, been found to be insufficient; now, for rendering the said Acts more effectual, be it enacted, that if any person or persons whatsoever, after the 15 May 1735, shall, either by Day or Night, wilfully or maliciously pull down, cut down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences belonging to any such Turnpike Gate or Turnpike Gates, or any other Chain, Bar, or Fence of any kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers from passing by without paying any Toll laid and directed to be paid by any Act or Acts of Parliament already made or hereafter to be made for that purpose, or any House or Houses erected or to be erected for the use of any such Turnpike Gate or Turnpike Gates, or any other Fence or Fences, or any Lock, Sluice, Flood-gate, or other Works on any navigable River, erected or to be erected by Authority of Parliament (2); or forcibly rescue any person or persons being lawfully in Custody of any Officer or other person for any of the Offences before mentioned; that then and in any of the said Cases, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy. s. 1.

After May 15, 1735, persons maliciously destroying turnpike gates, or posts, fences, &c. belonging thereto, or any chain, bar, &c.

or locks, sluices, or other works erected by authority of any act of parliament, or rescuing persons in custody for such offences, shall be guilty of felony without clergy.

If any person or persons after the said 15 May shall wilfully and maliciously draw or pluck up any Flood-gate or Flood-gates fixed or made in any Wear or Wears, Lock or Locks, erected or made, or hereafter to be erected or made, by Authority of Parliament, in or upon any navigable River, for preserving the Navigation thereof; all and every such person or persons so offending, being thereof lawfully convicted upon the

Persons maliciously drawing up any floodgate on any navigable river shall be imprisoned for one month.

(1) This part of the Act is repealed. See post, p. 562.

(2) See the Statute 4 G. 3. c. 12. s. 5. post, page 562.



Oath of One or more credible Witness or Witnesses, before Two or more Justice or Justices of the Peace for the County, Riding, or Division where any such Offence or Offences shall be committed, or of the adjacent County, Riding, or Division, shall be sent to the House of Correction, there to continue and be kept to hard Labour for the space of One Month. 8 G. 2. c. 20. s. 2.

Offences may be tried in adjacent counties.

And for the better and more impartial Trial of any Indictment which shall be found, commenced, and prosecuted for the Offences committed against this Act, be it enacted, that every Offence aforesaid, that shall be done or committed contrary to this Act, shall and may be enquired of, examined, tried, and determined in any adjacent County, within that part of the Kingdom of Great Britain called England, in such Manner and Form as if the Fact had been therein committed. s. 3.

Attainders shall not work corruption of blood, &c.

Provided that no Attainder for any of the Offences made Felony by virtue of this Act, shall make or work Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements, Goods or Chattels. s. 4.

Offenders discovering and convicting another guilty of the said felonies shall be pardoned ;

If any Person or Persons shall, at any Time after the said 15th May 1735, commit any of the Offences declared to be Felony by this Act, and, being out of Prison, shall discover and apprehend, or cause to be discovered and apprehended, One or more Person or Persons who shall commit any such Offence or Offences declared to be Felony as aforesaid, so as he, she, or they shall be thereof lawfully convicted, every such Person or Persons, on Conviction of the Offender or Offenders so to be apprehended, shall have, and is hereby intituled to His Majesty's most gracious Pardon for the Felonies aforesaid, which he, she, or they shall have committed, at any Time or Times before such Discovery made, which Pardon shall be likewise a good Bar to any appeal brought, or to be brought, for any such Felony. s. 5.

which shall bar an appeal.

The hundred shall make satisfaction for damages done to such works.

From and after the said 15th May, the Inhabitants of every Hundred, in that part of the Kingdom of Great Britain called England, within which such Offence or Offences shall be committed, by pulling down or otherwise destroying any Turnpike Gate or Gates, or any Post or Posts, Rail or Rails, Wall or Walls, belonging to any Turnpike Gate, or Gates, or any Chain, Bar, or Fence, or any House or Houses, set up or erected, or to be set up or erected, for the use or service of collecting the Tolls, at any Place appointed by the Commissioners, or any Five or more of them, acting under any Act or Acts of Parliament, enabling them to act as Commissioners for amending any Road or Roads, Highway or Highways, or any Lock, Sluice, or

Floodgate, or any Works erected or to be erected by Authority of Parliament upon any Navigable River, for preserving or securing the Navigation thereof, shall make full Satisfaction for the Damages that shall be thereby suffered; and the said Damages shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, by and in the Name of the Clerk of the Peace of the County for the time being, wherein such Offence or Offences shall be committed, without naming the Christian Name or Surname of the Clerk of the Peace; and the said Damages, so to be recovered, shall be to the only Use and Behoof of the Trustees, Commissioners, Proprietors, or Undertakers of any Turnpike or Navigable River, to be by them applied and disposed of to the several Uses and Purposes, and in such Manner, as the several Tolls, Rates, and Duties, by virtue of any Act or Acts of Parliament made or to be made, are or shall be applied and disposed of; the Sum to be recovered against the Inhabitants of such Hundred as shall by this Act be made liable to answer all or any Part thereof, not exceeding for any Offence the Sum of Twenty Pounds; and all and every the Inhabitants of such Hundred shall be rateably and proportionably taxed for and towards an equal Contribution for the Relief of such Inhabitant or Inhabitants against whom Execution for such Damages shall be had and levied, which Tax shall be levied and raised by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned for the levying and raising Damages recovered against Inhabitants of Hundreds, in case of Robberies, in and by an Act, intituled An Act for the following Hue and Cry [made 27 Eliz.] 8 G. 2. c. 20. s. 6.

Recovery and application of such damages.

Such damages shall not exceed 20 l. for one offence.

Inhabitants to be rateably taxed,

as in Hue and Cry by 27 Eliz.

Provided always, that where any Offence shall be committed against this Act, and any one or more of the said Offenders shall be apprehended and lawfully convicted of such Offence within Twelve Months next after such Offence shall be committed, any Hundred, or Inhabitants thereof, subject or liable to make any Satisfaction for the Damages that shall be sustained by any of the Offences aforesaid, and who shall have made such Satisfaction, shall, upon such Conviction of any one or more of the said Offenders within the time aforesaid, be repaid the sums they have paid for such Satisfaction out of the Tolls of the Turnpike which shall be so pulled down; any thing herein contained to the contrary notwithstanding. s. 7.

On conviction of one or more offenders within twelve months, the hundred or inhabitants having made satisfaction, shall be repaid out of the tolls.

If any Clerk of the Peace of or in any County within that part of Great Britain called England shall at any time hereafter

Actions commenced by a Clerk of the



Peace shall not be discontinued by his death.

commence or prefer any such Action, Bill, Complaint, or Information, and shall, after the same so sued, commenced, or preferred, happen to die or be removed out of his Office before Recovery and Execution had, no such Action, Bill, Complaint, or Information, sued, commenced, or preferred, shall, by such displacing or death, be abated or discontinued; but it shall and may be lawful to and for the Clerk of the Peace next succeeding in the said County to prosecute, pursue, and follow all and every such Action, Bill, Complaint, or Information so depending, for such Damages as shall be sustained by any such Offence or Offences as aforesaid, in such Manner and Form, to all intents and purposes, as the Clerk of the Peace might have done who first preferred the said Action, Bill, Complaint, or Information. 8 G. 2. c. 20. s. 8.

Action for recovering damages shall not lie, unless information thereof be made before a Magistrate within six days,

Provided nevertheless, that no Action of Debt, Bill, Complaint, or Information shall be had, sued, or prosecuted, to recover any Damages by virtue of this Act, unless Information upon Oath shall be made thereof, within Six Days, before some Justice of the Peace of the County, Liberty, or Division where such Offence or Offences shall be committed inhabiting within the said Hundred, or near the same. s. 9.

and the suit commenced within six months after such offence committed.

Provided also, that no Action of Debt, Bill, Complaint, or Information shall be had, sued, or prosecuted, to recover any Damages to be sustained by reason of any Offence or Offences to be committed contrary to this Act, against any Inhabitant of any Hundred where such Offence or Offences shall be committed, except such Action or Suit shall be commenced within Six Months next after such Offence shall be committed. s. 10.

Persons assaulting or threatening collectors of tolls,

or forcibly passing through turnpikes, &c. without paying toll;

or forcibly carrying away such collector,

And be it further enacted by the authority aforesaid, that if any person or persons shall assault any Collector or Collectors of the Toll, or threaten him or them in the execution of his or their Office or Offices, or shall forcibly pass through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences, set up or to be set up by authority of Parliament, without paying the Toll appointed to be paid at such Gate or other Fence; or if any person or persons shall forcibly carry away or detain any Collector or Collectors of the Toll, so as he, she, or they shall not be able to return to their duty for the space of Three Days, that then and in any of the said Cases the party or parties so offending, upon conviction by Oath of one or more credible Witness or Witnesses, before Two or more Justices of the Peace of the County, Liberty, or Division where such Offence or Offences shall be committed, inhabiting near the said Division or Place (who are hereby empowered to summon

the party or parties so offending, and to hear and determine such Offences) shall forfeit and pay the sum of Five Pounds, one moiety thereof to the Informer, and the other moiety to the Constable of the Parish where such Offence shall be committed, in trust for and to the only use and behoof of the Trustees, Commissioners, Proprietors, or Undertakers of any Turnpike or Navigable River, to be by them applied and disposed of for the several uses and purposes, and in such manner, as the several Tolls, Rates, and Duties, by virtue of any Act or Acts of Parliament made or to be made, are or shall be directed to be applied and disposed of, after allowing thereout to such Constable such satisfaction for his trouble as the said Trustees, Commissioners, or Undertakers, or any Five or more of them, shall adjudge reasonable, to be levied by Warrant or Warrants under the Hands and Seals of the said Justices of the Peace, or any Two or more of them, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus to the owner; and for want of sufficient distress, then the party or parties so offending shall, by Warrant under the Hands and Seals of such Two Justices, or more of them, be sent to the common Gaol of the County where such Offence shall be committed, there to remain without Bail or Mainprize for the space of Six Months, unless he, she, or they shall be sooner discharged by the Order of the Justices at the Quarter Sessions of the Peace to be holden for the County where such Offence shall be committed; and if such party or parties shall offend a second or third time, upon Conviction thereof in Manner aforesaid, he or they so offending shall forfeit and pay the Sum of Ten Pounds, to be levied by Distress in manner aforesaid; and for want of sufficient Distress shall, for every such Offence after the First, be sent by Two or more Justices of the Peace of the County where such Offence shall be committed to the common Gaol of the said County, by such Warrant or Warrants as last before mentioned, for One whole Year, without Bail or Mainprize; and shall also, before he, she, or they shall be discharged out of Custody, give Security at the General Quarter Sessions of the County for his, her, or their Behaviour for Seven Years. 8 G. 2. c. 20. s. 11.

shall for the first offence forfeit £5.

£10. for the second and third offence,

and shall also find sureties at the sessions for seven years.

Collectors of toll may seize persons guilty of the last-mentioned offences, and carry them before a Justice,

It shall and may be lawful to and for such Collector or Collectors of the Toll, to seize and detain any person or persons guilty of the offences before mentioned, and such person or persons to carry before One or more Justice or Justices of the Peace for the County or Place where such offence shall be committed, without any Warrant or other authority for so doing;

who may bind them over to appear at the next Petty Sessions.

and such Justice or Justices of the Peace are hereby empowered and authorized to oblige such person or persons, so offending, to give security for his, her, or their appearing at the next Petty Sessions to be holden for the Division or Place where such offence or offences shall be committed, and for want of sufficient security to commit the person or persons so offending to the common Gaol of the County or Place where the offence shall be committed, until he, she, or they shall give such security. 8 G. 2. c. 20. s. 12.

£5. penalty on Constables refusing to execute a warrant.

And be it further enacted by the authority aforesaid, That if any Constable or Constables, who are hereby required to execute all Warrants by this or any former Act appointed to be issued concerning Turnpikes, shall refuse to execute any Warrant or Warrants under the hands and seals of a sufficient number of Commissioners or Trustees, authorized by any Act of Parliament for any Turnpike or Turnpikes, to levy any sum or sums of money upon any person or persons for any default, for which such person or persons are to forfeit and pay any sum or sums of money whatsoever, or shall refuse to execute any Warrant or Warrants under the hands of any Two or more Justices of the Peace, for apprehending any person or persons that shall be guilty of any offence against this Act, or if any other person or persons shall refuse to assist such Constable or Constables in apprehending such offender or offenders, then such Constable or Constables so refusing to execute such Warrant, or other person or persons so refusing to assist him, shall forfeit and pay the sum of Five Pounds to the Clerk to the Commissioners, Trustees, Proprietors, or Undertakers of any Turnpike or Navigable River, to be by them applied and disposed of for the several uses and purposes, and in such manner, as the several Tolls, Rates, and Duties, by virtue of any Act or Acts of Parliament made or to be made, are or shall be directed to be applied and disposed of, to be levied by distress, by Warrant or Warrants under the hands and seals of Two or more Justices of the Peace of the County where such Constable or Constables, or any other person or persons so refusing, shall inhabit, to be directed to the High Constable of the Hundred where he or they shall inhabit, to be by him levied in the same manner as is before directed in case any person shall assault the Collector of the Toll, or forcibly pass through any Gate or other fence without paying the Toll. s. 13.

How to be disposed of.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, that it shall and may be lawful for any person aggrieved by any Order or Orders to be made by any Two or

more Justices of the Peace, as aforesaid, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions to be holden for the County, City, Division, Parish, or Place, where such Orders shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the Justices of the Peace at the Quarter Sessions to which the appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the said appeal to the next Quarter Sessions, and then and there finally hear and determine the same; and the Justices, who in the General Quarter Sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just, and such determination shall conclude and bind all parties concerned. 8 G. 2. c. 20. s. 14.

No Certiorari shall be granted by any Court whatsoever, for removing any Order or Orders, or other proceedings of any Justice or Justices of the Peace, concerning all or any of the matters in this Act contained, out of the proper County, City, Division, or Place, into any other Court. s. 15.

No Certiorari shall be granted for removing proceedings of Justices.

When any complaint of abuse or excess of power in the Commissioners and Trustees appointed to put any Act of Parliament made for the Repair of any Highway or Highways in execution, by erecting or setting up, or causing to be erected or set up, any Gate or Gates, Turnpike or Turnpikes, Rails, Posts, Chain or Chains, or any other Fence, hath been already made, and heard by the Justices of the Peace of the County where such Gate or Gates, Turnpike or Turnpikes, were or shall be erected or continued, in the General Quarter Sessions assembled, that such hearing of the said Justices shall be final, and their determination therein, either in favour of the Complainant, or of the said Commissioners and Trustees, shall be, and is hereby declared to be fully confirmed and established. s. 16.

Determinations made at the Quarter Sessions concerning complaints shall be final.

If any Suit or Suits shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, that in every such Case the Action shall be laid in such County where the Cause of Action did arise, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of the said Act; and if it shall appear so to be done, or that such Action or Actions shall be brought in any other County, then the Jury shall find for the Defendant or

Actions shall be laid in the county where the cause of action arise.

Defendants may plead the general issue.

Treble costs to  
defendants.

Defendants; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like remedy for the same as any Defendant or Defendants hath and have in other Cases to recover Costs by Law. 8 G. 2. c. 20. s. 17.

The before mentioned Statutes 5 G. 2. c. 33. and 8 G. 2. c. 20. having been suffered to expire, were revived from the 1st of June 1742, for a certain period, by Statute 15 G. 2. c. 33. s. 1. and continued by the Statute 20 G. 2. c. 47., and finally made perpetual by the Statute 27 G. 2. c. 16. But by Statute 7 G. 3. c. 40. s. 61. so much of 8 G. 2. c. 20. as relates to Turnpikes is repealed; and then by s. 86. of 13 G. 3. c. 84. it is enacted, that from and after 28 September 1773, the said Act 7 G. 3. c. 40. except so much thereof as repeals the several Acts therein mentioned, shall be and is repealed.

Persons wilfully  
damaging works  
on navigable  
rivers, shall be  
guilty of felony.

The Statute 4 G. 3. c. 12. (s. 5.) recites "that the Laws now in being are not sufficient for the preservation of the Banks, Flood-gates, Sluices, and other Works belonging to Rivers and Streams made navigable by Act of Parliament, and for the maintaining the Navigation on such Rivers and Streams;" and then enacts, that if any person or persons shall wilfully or maliciously break, throw down, damage, or destroy any Banks, Flood-gates, Sluices, or other Works, or open or draw up any Flood-gate or Flood-gates, or do any other wilful hurt or mischief to any such Navigation, so as to obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining such Navigation; every such person or persons shall be adjudged guilty of Felony, and the Court before whom such person or persons shall be tried and convicted, shall and hereby have Power and Authority to order such person or persons to be transported for Seven Years.

Persons maliciously  
destroying  
turnpike gates,  
&c. or posts,  
rails, fences, or  
chains, or cranes  
or engines, shall  
be guilty of  
felony.

The Statute 13 G. 3. c. 84. (which consolidates all former relative to Turnpikes) "to prevent the malicious destroying of any Turnpike Gate or House which hath been or shall hereafter be erected," enacts (s. 42.) that if any person or persons whatsoever shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy, any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences belonging to any Turnpike Gate, or any other Chain, Bar, or Fence of any kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers from

passing by without paying any Toll, laid or directed to be paid by any Act or Acts of Parliament made for that purpose; or any House or Houses erected, or to be erected for the use of any such Turnpike Gate or Turnpike Gates; or any Crane, Machine or Engine, made or erected, or to be made or erected on any Turnpike Road by Authority of Parliament, for weighing Waggon, Carts, or Carriages; or shall forcibly rescue any person or persons being lawfully in Custody of any Officer or other person for any of the Offences before mentioned; that then and in any of the said Cases, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony (1) and shall be transported to one of his Majesty's Plantations abroad for Seven Years, or shall be committed to Prison for any time not exceeding Three Years, at the discretion of the Judge or Court before whom such Offender shall be tried; and any Indictment for such Offences shall and may be enquired of, examined, tried, and determined in any adjacent County within that part of Great Britain called England, in such manner and form as if the facts had been therein committed.

The Statute 21 G. 3. c. 20. reciting that "doubts have arisen whether the provisions contained in the former act (13 G. 3. c. 84.) were meant and intended to extend to such Acts of Parliament as shall be made for repairing particular Turnpike Roads subsequent to the passing of the said recited Act; for obviating such doubts for the future," declares and enacts, that all the Provisions, Directions, Matters, and Things contained in the said recited Act, which have not been varied, altered, or repealed by any subsequent Acts of Parliament, (except so much thereof as gives an additional term of Five Years to Acts for repairing particular Turnpike Roads) were and are meant and intended, and shall be deemed, construed, and taken to extend to all Acts of Parliament which have been made since the time of the passing of the said recited Act, and which shall hereafter be made for amending and repairing any particular Turnpike Roads within that Part of *Great Britain* called *England*.

Provisions of 13 G. 3. c. 84. extended to all subsequent acts relating to repairing turnpike roads.

By the Statute 22 H. 8. c. 11. reciting that ill-disposed persons had at divers times maliciously cut, cast down, and broken up parts of the Dike called the New Powdike, in Marsh-land, in the County of Norfolk, and the broken Dike otherwise called Old-field Dyke, by Marsh-land, in the Isle of Ely, in the County of Cambridge, by reason whereof the ground and pastures within

§ 2.

(1) The offence was capital under the previous Act of 8 G. 2, c. 20.



Cutting down or breaking up dikes in marsh-land in Cambridge, Norfolk, and Isle of Ely, felony.

Justices of Peace to enquire of offenders.

Persons maliciously destroying any bank, mill, engine, &c. erected for draining North Bedford Level, guilty of felony without clergy.

such Country of Marsh-land had been drowned, and the Inhabitants within the said Marsh-land, and the level of the same put to great charges; it is enacted, that every such perverse and malicious cutting down and breaking up of any part or parts of the said Dikes, or of any other Bank being parcel of the rind and uppermost part of the said Country of Marsh-land aforesaid, made for the defence and salvation of the same Country of Marsh-land, at any time by any person committed otherwise than in working upon the said Banks or Dikes for the repairing, fortifying, and mending of the same, be taken, reputed, and adjudged Felony; and that the Offenders and Doers of the same be adjudged Felons. And that the Justices of Peace of the said Counties within the said Isle, at their Sessions, have power to cause enquiry to be made of every such offence committed, and to award process against the Offender, with like judgement and execution, as if they had been found guilty by verdict or otherwise, as the said Justice hath used and accustomed to do upon other Felonies being Felony at the Common Law.

This Statute, which stood repealed after the Statutes 1 Ed. 6. c. 12. s. 4. and 1 M. st. 1. c. 1. s. 5., was revived by 2, 3 P. and M. c. 19.

By the Statute 27 G. 2. c. 19. (1), for draining and preserving the North Bedford Level, and Lands adjoining thereto, in the Manor of Crowland, (s. 49.) it is enacted, that for the preventing the damming up, stopping, throwing down, burning, demolishing, destroying, or damaging, any of the Rivers, Drains, Watercourses, Banks, Mills, Engines, Floodgates, Sluices, Doors, Dams, Bridges, or other Works already made or erected for or towards draining the Lands and Grounds contained within the said several Districts and Divisions, or any of them, or hereafter to be made, erected, supported, or maintained, for the purposes aforesaid, by virtue of or under the powers and authorities of this Act; if any person or persons shall at any time hereafter maliciously cut, break down, burn, demolish, or destroy any Bank, Mill, Engine, Floodgate, or Sluice already made or erected, or which shall at any time hereafter be making or erecting, or made or erected, supported or maintained, for answering the purposes aforesaid, every person or persons so offending, being thereof convicted, shall be guilty of Felony, and suffer death as Felons without benefit of clergy. And if any person or persons shall at any time hereafter maliciously stop, dam up, demolish, damage, or destroy any Rivers, Drain, Watercourse, Door, Dam, Bridge, or other Work or Works already made or erected, or which shall at any time hereafter be

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(1) Which is a private Act.

making or erecting, or made or erected, supported or maintained, for answering the purposes aforesaid, every person or persons so offending, being thereof convicted before any two or more Justices of the Peace for the Counties and Isle aforesaid, or either of them, who are hereby required to hear and determine the same on the oath of two or more credible witnesses, shall forfeit the sum of one hundred pounds to the Commissioners, &c., and in default of payment shall be sent to the House of Correction of the County or Isle where such Offence shall be committed, there to be kept to hard labour for such time as such Justices shall order and direct, not exceeding six months.

By the Statute 42 G. 3. c. 32. for enabling his Majesty to grant Parcels of Land between Great Prince Rock and the Village of Crabtree, called Tothill Bay and Lipson Bay, near the Borough of Plymouth, in the County of Devon, for the purpose of embanking and preserving the same from the sea, it is enacted (s. 46), that if any person or persons shall wilfully and maliciously break, throw down, damage, or destroy any of the Banks, Mounds, Dams, or other Works to be erected or made by virtue of this Act, every such person shall be deemed guilty of Felony, and shall, on being lawfully convicted thereof, be subject to the like Pains and Penalties as in cases of Felony; and the Court by or before whom such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in mitigation of such punishment such Court may award such sentence as the Law directs in Cases of Petty Larceny.

Persons maliciously breaking, &c. or destroying banks of certain lands inclosed from the sea near Plymouth, shall be guilty of felony.

Whereas divers malicious and envious Persons, being men of evil and perverse dispositions, and minding the hurt, undoing, and impoverishment of the King's Subjects, of their malicious and wicked minds, have of late invented and practised a new damnable kind of Vice, and damnifying of the King's Subjects, as in cutting out of Heads and Dams of Pools, Motes, Stews, and several Waters, and cutting off Conduit-heads and Conduit-pipes: For remedy whereof be it enacted, that if any Person maliciously, wilfully, and unlawfully cut or cause to be cut out of the Head or Heads, Dam or Dams of any Ponds, Pools, Motes, Stews, or other several Waters, or the Head or Heads, Pipe or Pipes of any Conduit or Conduits of any other Person, that then such Offender shall not only forfeit Treble Damages to the Party grieved, but also forfeit for every Offence £10 to the King as a Fine. 37 H. 8. c. 6. s. 1, 4. (1)

§ 3.

Penalty for cutting the heads or dams of ponds, motes, stews, or other waters.

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(1) See also titles BLACK ACT, FISHPONDS.



§ 4.  
Penalty on persons barking fruit trees.

Punishment of persons cutting corn growing, robbing orchards, &c., breaking hedges, pales, &c., digging up fruit trees, cutting woods, &c.

1 Salk. 181.

If any Person shall maliciously, willingly, or unlawfully bark any Apple Trees, Pear Trees, or other Fruit Trees of any other Person, he shall not only forfeit Treble Damages to the Party injured, to be recovered by Action of Trespass, but also £10 to the King in the name of a fine. 37 H. 8. c. 6. s. 4.

Reciting that the cutting of Corn or Grain growing, robbing Orchards, digging up or taking away Fruit Trees, breaking Hedges, &c., spoiling Woods, &c., were more commonly committed than heretofore, and were great causes of maintaining of idleness, and the Persons committing the same were not for the most part able to make recompence; it is enacted, that every such Person which shall cut or unlawfully take away any Corn or Grain growing, or rob any Orchards or Gardens, or break or cut any hedge, pales, rails or fence, or dig, pull up, or take up any Fruit Tree or Trees in any Orchard, Garden, or elsewhere, to the intent to take and carry the same away, or shall cut or spoil any Woods or Underwoods, Poles or Trees standing, not being Felony by Law, and their Procurer and Procurers, Receiver and Receivers, knowing the same, being thereof lawfully convicted, by the Confession of the Party, or by the Testimony of one sufficient Witness upon Oath, before some one Justice of Peace, Mayor, Bailiff, or other Head Officer of the County, City, or Town Corporate (which Justice, &c. is authorized by this Act to administer such oath) where the Offence is committed or the party offending apprehended, shall give the Party grieved such recompence, and within such time, as by such Justice or Head Officer, &c. shall be ordered, if the same be only for the first fault; and if such Offender shall be thought in the Discretion of such Justice or Head Officer not able, or do not make Recompence as aforesaid, such Justices, &c. shall commit the Offender to some Constable or other inferior Officer of such City, Borough, Town or Hamlet, where the Offence is committed, or the party apprehended, to be whipped; and for every Offence for or of which the Offender shall be afterwards committed, the person so offending to receive the said Punishment of whipping. 43 Eliz. c. 7. s. 1.

Constables, &c. refusing to punish offenders, shall be committed to gaol.

Such Constables, inferior Officers, or head Officers, &c. refusing or neglecting to execute upon the Offender the Punishment limited by this Statute, shall by such Justice be committed to the Common Gaol of the County, City, or Town Corporate, there to remain without Bail, till he or they, or some other by his or their procurement, shall punish such Offenders. s. 1, 2.

Justices or head officers shall not execute this Statute for any Offence done to himself, unless associated and assisted by one other Justice whom the Offence doth not concern. s. 3.

Justices shall not punish offences done to himself.

For other Offences connected with this Title, See Titles ARSON, BLACK ACT, BRIDGES, BURNING, CATTLE II. CORN, FISH PONDS, HOPBINDS, MANUFACTURES AND MANUFACTURERS, MILLS, MINES, NORTHERN COUNTIES, RIVERS, SEA BANKS, and other appropriate Heads in this work.

## **Manufactories and Manufactures.**

- I. *Breaking into or by Force entering Manufactories, with Intent to cut, steal, or destroy the Goods or Machinery, or cutting any Rack used for drying such Goods. (And see Title Larceny and Robbery, VIII. § 3, 4.)*
- II. *Burning or setting Fire to Manufactories or Buildings, Erections or Engines used therewith.*
- III. *The Offence of Buying or Receiving, &c. Materials from Persons hired or employed in certain Manufactures of Silk.*
- IV. *The Offence of Exporting certain Tools, Models and Utensils made use of in the Manufactures of this Kingdom, of Seducing Artificers to quit the Kingdom, and of Artificers going into any Foreign Country to exercise their Trade.*

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- I. *Breaking into or by Force entering Manufactories with Intent to cut, steal, or destroy the Goods or Machinery, or cutting any Rack used for drying such Goods.*

If any person or persons shall by Day or by Night break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Serge or other Woollen Goods in the Loom, or any Tools employed in the making thereof, or shall wilfully and maliciously cut or destroy any such Serges or Woollen Goods in the Loom or on the Rack, or shall burn, cut or destroy any Rack on which any such Serges or other Woollen Goods are hanged in order to dry, or shall wilfully and maliciously break or destroy any Tools used in the making any such Serges or other Woollen Goods, not having the consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be adjudged guilty of Felony and shall suffer Death as in case of Felony, without Benefit of Clergy. 12 G. 1. c. 34. s. 7. (See s. 4, 5. of the Statute 22 G. 3. c. 40. post, page 569.)

Offenders breaking into woollen manufactories with intent to cut, &c. the goods in the loom, &c.

or cutting, &c. racks,

or breaking, &c. tools,

ousted of clergy

By s. 8. all the Clauses, Provisions, Pains, Penalties, and Forfeitures in this Act contained, shall extend to Combers of Jersey and Wool, to Frame-work Knitters and Weavers, or makers of Stockings, and to all persons concerned in any of the said Manufactures (1).

The like provision as to linen manufactures.

If any person or persons shall by Day or Night, break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building, with Intent to steal, cut or destroy any Linen Yarn, or any Linen Cloth, or any Manufacture of Linen, Yarn, belonging to any Manufactory, or the Looms, Tools or Implements used therein; or shall wilfully or maliciously cut in pieces or destroy any such Goods when exposed to bleach or dry; every such offender, being thereof lawfully convicted, shall be judged guilty of Felony, and suffer as in Cases of Felony, without Benefit of Clergy. 4 G. 3. c. 37. s. 16.

By s. 33. the Act is declared to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices, &c.

See East, P. C. 1078, 1079.

The Stat. 22 G. 3. c. 40. recites that “ many Violences and Outrages have been frequently committed by wicked and ill disposed Persons, in destroying the Manufactures of Wool, Silk, Linen and Cotton, and the Materials, Tools, Tackle and other Utensils prepared for or used therein; and that for the Prevention of such Violences and Outrages for the future, it is necessary that exemplary Punishment should be inflicted upon such offenders;” and then enacts, that if any person or persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Serge or other Woollen Goods in the Loom, or any Tools employed in making thereof; or shall wilfully and maliciously cut or destroy any such Serges or Woollen Goods in the Loom, or on the Rack; or shall burn, cut, or destroy any Rack on which any such Serges or other Woollen Goods are hanged in order to dry; or shall wilfully and maliciously break or destroy any Tools used in the making any such Serges or other Woollen Goods, not having the Consent of the Owner so to do; every such offender, being thereof lawfully convicted, shall be guilty of Felony, without benefit of Clergy. s. 1.

Persons entering by force any house with intent to cut, &c. or cutting, &c. any woollen goods, or destroying tools used in manufacturing thereof,

(1) By the former sections of the Act, regulations are established respecting workmen employed in the Woollen Manufactures therein specified, and a summary jurisdiction given to Justices of the Peace to hear and determine offences committed by such workmen. This latter section appears rather to allude to such offences, than to the Felonies named in the seventh section.

If any person or persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils; or shall wilfully and maliciously cut or destroy any Velvet, wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture in the Loom, or any Warp or Shute, Tools, Tackle, or Utensils, prepared or employed in or for the making thereof; or shall wilfully and maliciously break or destroy any Tools, Tackle, or Utensils, used in or for the weaving or making of any such Velvet, wrought Silks, or Silks mixed with any other Materials, or other Silk Goods or Silk Manufacture, not having the Consent of the Owner so to do; every such offender, being thereof lawfully convicted, shall be guilty of Felony, without benefit of Clergy. 22 G. 3. c. 40. s. 2.

or any silk goods or tools used in manufacturing thereof, declared guilty of felony without clergy.

If any person or persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut and destroy any Linen or Cotton, or Linen and Cotton mixed with any other Materials, or other Linen or Cotton Manufactures, in the Loom, or any Warp or Shute, Tools, Tackle, and Utensils; or shall wilfully and maliciously cut or destroy any Linen or Cotton, or Linen or Cotton mixed with any other Materials, or other Linen and Cotton Manufacture in the Loom, or any Warp or Shute, Tools, Tackle, and Utensils, prepared for or employed in the making thereof; or shall wilfully and maliciously break and destroy any Tools, Tackle, or Utensils used in or for the carding, spinning, weaving, preparing, or making, in any way whatever, any such Linen or Cotton, or Linen or Cotton mixed with any other Materials, or other Linen and Cotton Goods, or Linen and Cotton Manufactures whatsoever, not having the Consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be guilty of Felony without Benefit of Clergy. s. 3.

Persons entering any house by force, with intent to cut, &c. or cutting, &c. any linen or cotton manufactures, &c. declared guilty of felony without clergy.

The 4th and 5th Sections repeal so much of Stats. 12 G. 1. c. 34. and 6 G. 3. c. 28. as relates to the Punishment of persons who shall break into any House, &c. with Intent to destroy any Silk or Woollen Manufactures, or any Utensils, &c. used in the making thereof.

The Statute 54 G. 3. c. 42. repeals the Statute 52 G. 3. c. 16.; and the Statute 57 G. 3. c. 126. recites the Statutes 52 G. 3. c. 16. and 54 G. 3. c. 42. punishing persons destroying or injuring Stocking and Frames or other Machinery, &c. used in the

Stats. 52 G. 3. c. 16. and 54 G. 3. c. 42 repealed

frame-work knitted Manufactory, or any Goods therein, &c. and that it is expedient that the said last-recited Act [54 G. 3.] should be repealed, and other provisions made instead thereof; and then enacts, that from and after the passing of this Act, the said last-recited Act of the 54th year aforesaid shall be repealed, and the same is hereby repealed, save and except as to so much of the said last-recited Act as repeals the said recited Act of the 52d year aforesaid.

Persons entering houses, &c. with intent to cut, &c. any frame-work knitted pieces, stockings, lace, or other goods in the frame, &c. or to break any frame, machine, &c. or tool, &c. used in making thereof, or cutting, &c. any frame-work knitted pieces, &c. or breaking, &c. any engine or tool, &c. used in making thereof,

or breaking, &c. any mill machinery used in such manufactories,

guilty of felony, and may be transported.

From and after the passing of this Act, if any person or persons shall by day or by night enter by force into any House, Shop, or Place, with an intent to cut or destroy any frame-work knitted Pieces, Stockings, Lace, or other Articles or Goods, being in the Frame or upon any Machine or Engine thereto annexed, or therewith to be used or prepared for that purpose, or with an intent to break or destroy any Frame, Machine, Engine, Tool, Instrument, or Utensil used in and for the working and making of any such frame-work knitted Pieces, Stockings, Lace, or other Articles or Goods in the Hosiery or frame-work knitted Manufactory; or shall wilfully and maliciously, and without having the consent or authority of the owner, destroy, or cut with an intent to destroy or render useless, any frame-work knitted Pieces, Stockings, Lace, or other Articles or Goods, being in the Frame or upon any Machine or Engine as aforesaid, or prepared for that purpose; or shall wilfully and maliciously, and without having the consent or authority of the owner, break, destroy, or damage, with an intent to destroy or render useless, any Frame, Machine, Engine, Tool, Instrument, or Utensil used in and for the working and making of any such frame-work knitted Pieces, Stockings, Lace, or other Articles or Goods in the Hosiery or frame-work knitted Stockings or frame-work Lace Manufactory; or shall wilfully and maliciously, and without having the consent or authority of the Owner, break or destroy any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton, or other Materials for the use of the Stocking or Lace Manufactory; every offender, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without benefit of Clergy. s. 2.

This Act shall continue and be in force until 1st August 1820.

## *II. Burning or setting Fire to Manufactories or Buildings, Erections or Engines used therewith.*

The Statute 52 G. 3. c. 130. "for the more effectual punishment of persons destroying the properties of his Majesty's sub-

jects, and enabling the Owners of such Properties to recover Damages for the Injury sustained," recites the passing of the Statutes 1 G. 1. st. 2. c. 5. (1) 9 G. 1. c. 22. (2) 9 G. 3. c. 29. (3) 41 G. 3. (U.K.) c. 24. (4) and 43 G. 3. c. 58. (5) and that it is expedient and necessary that more effectual provisions should be made for the protection of Property not within the provisions of the said Acts; and enacts, that every person who shall, from and after the passing of this Act, wilfully or maliciously burn or set fire to any Buildings, Erections, or Engines, which shall be used or employed in the carrying on or conducting of any Trade or Manufactory, or any branch or department of any Trade or Manufactory of Goods, Wares, or Merchandize of any kind or description whatsoever, or in which any Goods, Wares, or Merchandize shall be warehoused or deposited, shall, upon being lawfully convicted thereof, be adjudged guilty of Felony, without benefit of Clergy, and shall suffer Death as in cases of Felony without benefit of Clergy.

Punishing persons wilfully destroying any building or engine used in manufacturing.

If after the passing of this Act any person or persons unlawfully, riotously, and tumultuously assembled together in disturbance of the Public Peace, shall unlawfully and with force demolish or pull down, or begin to demolish or pull down, any Erection and Building or Engine which shall be used or employed in the carrying on or conducting of any Trade or Manufactory, or any branch or department of any Trade or Manufactory of Goods, Wares, or Merchandize of any kind or description whatsoever, or in which any Goods, Wares, or Merchandize shall be warehoused or deposited, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy. s. 2.

Extending provisions of former act to other buildings, goods, and machinery.

The person or persons injured or damnified by such demolishing or pulling down, wholly or in part, of any Erection, Building, or Engine as aforesaid, shall be entitled to, and may and is and are hereby empowered to recover the value of such Erection, Building, or Engine, and of the Machinery belonging thereto, or used therein, which shall be destroyed in such demolishing as aforesaid, or the amount of the Damage which may

Value of, or damage done to manufactories and machinery therein, may be recovered as under 1 G. 1. c. 35

(1) See this Act under title RIOTS.

(2) See this Act under title BLACK ACT.

(3) } See these Statutes under title MILLS.

(4) }

(5) See this Statute under title ARSON, § 4.



be done to any such Erection, Building, or Engine or Machinery aforesaid, in such tumultuous and riotous demolishing in part as aforesaid; and such Value or Damage shall and may be recovered, levied, raised, and reimbursed in such manner and form, and by such ways and means, as are particularly provided, directed, or referred to, in the said recited Act of the first year of the reign of his late Majesty King George the First, in respect of the several Descriptions of Buildings therein mentioned. 52 G. 3. c. 130. s. 3.

How to proceed  
to recover  
damages.

Provided always, that no person or persons shall be enabled to recover any Damages by virtue of this Act, unless he or they, by themselves or by their servants, within two days after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid, shall give notice of such Offence done and committed unto some of the inhabitants of some Town, Village, or Hamlet near unto the place where any such fact shall be committed, and shall within four days after such notice give in his, her, or their Examination upon Oath, or the Examination upon Oath of his, her, or their servant or servants that had the care of his or their Erections, Buildings, Engines, or Machinery so destroyed or damaged as aforesaid, before any Justice of the Peace of the County, Liberty, or Division where such fact shall be committed, inhabiting within the said Hundred where the said fact shall happen to be committed, or near unto the same, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such Examination it be confessed that he or they do know the person or persons that committed the said fact, or any of them, that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise, according to the Law of this Realm: Provided also, that no person who shall sustain any Damage by reason of any Offence to be committed by any Offender contrary to this Act, shall be thereby enabled to sue or bring any Action against any inhabitants of any Hundred where such Offence shall be committed, except the party or parties sustaining such Damage shall commence his or their Action or Suit within one year next after such Offence shall be committed: Provided nevertheless, that the notice hereby required may and shall be given in Scotland to the Sheriff or Steward Depute or Substitute of the County or Stewartry where such fact shall happen to be committed, in order that such measures may be taken as the Law of Scotland prescribes in such cases. s. 4.

*III. The Offence of buying or receiving, &c. Materials from persons hired or employed in certain Manufactures of Silk.*

The Statute 14 G. 3. c. 25., intituled "An Act for the more effectual preventing Frauds and Embezzlements by Persons employed in the Woollen Manufactory," recites that Frauds are frequently committed and Embezzlements made by persons employed in the Woollen Manufactory, particularly by their secreting, selling, or otherwise illegally disposing of the Working Tools and Materials they are intrusted with, by the Weavers taking the Biers out of the Chains, and withholding part of the Woof or Abb Yarn delivered to them, and by the Pickers, Scribblers, and Spinners embezzling part of the Wool and Yarn intrusted to them, and also by damping, steaming, and watering the residue, in order to make up the Deficiency in Weight occasioned by such Embezzlements, and also by taking off, picking, or cutting out the List, Forrel, or other Marks of any Piece or Pieces of Cloth, by means whereof the Clothiers sustain great Damage and Loss; and that the Abuses committed in the Cloathing Manufacture by persons carrying, collecting, buying, and receiving from the Labourers employed in that Manufacture, Ends of Yarn, Wefts, Thrums, Short Yarn, and other refuse of Cloth, Drugget, and other Woollen Goods, and Goods mixed with Wool, have been found very detrimental to the said Manufactures; and that the said Frauds and Abuses are frequently carried on and committed so secretly, that the Laws now in being are by no means sufficient to prevent the same, whereby persons employed in the said Manufacture are tempted and encouraged to embezzle, purloin, secrete, sell, and detain the Goods and Materials with which they are intrusted by the Clothiers and other Woollen Manufacturers, so that the Cloth made comes out defective in the substance, perfection, and excellence intended by the Clothier, to the discredit of the Manufacturer and injury of the Public; and that it is apprehended such Frauds and Embezzlements would not be so frequent if the Detection and Punishment of the said Offences were made more easy and certain; and then enacts, that if any Picker, Scribbler, Spinner, or Weaver, or other person or persons whatsoever, who shall be any ways employed in or about the making or manufacturing of Woollen Cloth, or in preparing Materials for that purpose, shall not return all Working Tools or Implements, Wool, Yarn, Chain, Woof, or Abb, delivered out to be worked up

Persons employed in the woollen manufacture, not returning implements and materials to their employers;



or fraudulently  
damping, &c.  
the materials, or  
taking off the  
list, &c. of  
woollen cloth,  
shall be sum-  
marily punished.

Persons ab-  
sconding with  
tools or ma-  
terials, or sell-  
ing, &c. the  
same ;

and persons  
fraudulently  
buying or re-  
ceiving the same ;

Justices may  
issue warrants  
to constables to  
search the pre-  
mises of such  
offenders ;

and manufactured, and all such Materials as aforesaid where-  
with he, she, or they shall be intrusted, or give a satisfactory  
account touching the same respectively, to his, her, or their  
Employer, when thereunto required by the person or persons  
by whom he, she, or they shall have been so intrusted, or by his,  
her, or their known Clerk or Servant ; or shall fraudulently  
steam, damp, or water the Wool or Yarn delivered to him, her,  
or them, to be worked up ; or if any person or persons shall  
take off, cut, or pick out the list, forrel, or other mark of any  
piece of Cloth, and shall be convicted of any such Offence before  
some Justice or Justices of the Peace for the County, Division,  
Liberty, or Place where the Person or Persons so offending  
shall reside, either by the Confession of the Party or Parties, or  
by the Oath or Oaths of One or more credible Witness or Wit-  
nesses, every such Person so convicted shall be committed to  
the House of Correction for the Space of One Calendar Month.

If any person or persons so employed, and who shall have  
been intrusted with any Tools, Implements, Wool, Yarn,  
Chain, Woof, or Abb, or other Materials as aforesaid, shall  
not have delivered or accounted for the same, shall abscond, or  
cannot be found, or shall sell or otherwise dispose of the same,  
or any Part thereof ; or if any person or persons shall fraudu-  
lently buy or receive such Tools, Implements, or Materials, of  
any person so employed or intrusted ; or if any person or per-  
sons shall be suspected of, and charged on such suspicion with  
having embezzled and kept back, by means of fraudulently damp-  
ing, steaming, or watering, the Wool and Yarn delivered out  
to him, her, or them ; or with having sold, bought, or otherwise  
received the same, or any Part thereof, as aforesaid, and Oath  
shall be made thereof respectively before one of his Majesty's  
Justices of the Peace for the County, Division, Liberty, or  
Place where any such Offence was committed ; such Justice  
shall thereupon issue his Warrant to any Constable or Constables  
or other Peace Officer or Peace Officers, to enter into and search,  
in the day-time, the place of Dwelling or Residence of such  
person or persons so offending, and also such other House or  
Place, Houses or Places, of which the Clothier, Clerk, or Ser-  
vant as aforesaid, shall make Oath that he, she, or they have  
just Cause to suspect, it appearing to the said Justice to be rea-  
sonable Suspicion, that the said working Tools, or the said Ma-  
terials, or some part or parts thereof, to have been embezzled  
or kept back, sold, bought, or received as aforesaid, may be  
secreted and lodged : And if, upon Search, any of the said work-

ing Tools, Wool, Yarn, Chain, Woof, or Abb, or any Cloth with the list, forrel, or other Marks taken off, cut, or picked out, shall be found, the said Constable or Constables, Peace Officer or Peace Officers, shall seize the same, and apprehend the Person or Persons in whose Custody or Possession the same shall be found, and bring him, her, or them before the same or some other of his Majesty's Justices of the Peace for the County, Division, Liberty, or Place aforesaid; and unless such person, or persons, in whose custody the same shall be found, can give a good account how he, she, or they came by the same, to the satisfaction of such Justice or Justices, then and in such case such Person or Persons shall be thereof convicted, and suffer such Punishment as is herein-before directed to be inflicted on persons not returning the Tools or Materials as aforesaid; and all such Tools, Wool, Yarn, Chain, Woof, or Abb, or such Cloth as aforesaid, so seized, and not accounted for as aforesaid, shall, upon such Conviction, be delivered over to the Churchwardens or Overseers of the Poor of the Parish where the same were seized, to be by them sold; and the Monies arising by such Sale, after defraying the Expences of such Sale, shall be applied to the use of the Poor of the said Parish. 14 G. 3. c. 25. s. 2.

and if such tools,  
&c. are found,

the party in  
whose possession  
they were shall  
be punished  
summarily.

Provided always, that in case the person or persons accused shall request of such Justice to appoint a reasonable time to produce the person or persons of or from whom he, she, or they bought or received the same, or some one or more credible Witness or Witnesses to prove the Sale or Delivery thereof; then and in such case it shall and may be lawful for the said Justice, and he is hereby authorized and required, to appoint such reasonable time as aforesaid, and to issue out a Summons to the Constable or other Peace Officer of the Parish or Place where such Person or Persons, or such Witness or Witnesses, shall respectively reside, requiring him, her, or them to appear before such Justice, at such time and place as shall be so appointed by such Justice, in order to be examined and give Evidence on Oath of the several Matters aforesaid; but such Person or Persons, at the Time of making such Request, shall enter into a Recognizance, with or without Surety or Sureties, as such Justice shall think proper, for his, her, or their Appearance before him at the Time so to be set, or, for want of such Recognizance as aforesaid, shall be committed until the time that shall be so set or appointed by the said Justice for the Appearance of such Party or Parties, Witness or Witnesses; and if at such appointed time such Person or Persons shall be convicted of any of the Offences

Justice to allow  
a reasonable time  
to the defendants  
to prove the sale  
or delivery of  
such articles;

which not being  
satisfactorily  
done, such de-

defendants shall  
be convicted.

Justices, upon  
information  
made, may cause  
houses to be  
searched for ma-  
terials herein  
described;

and the same to  
be seized, and  
parties brought  
before them;

and the party in  
whose possession  
such articles are  
found, shall be  
summarily  
punished.

Offenders for a  
second offence  
shall be com-  
mitted, or bailed  
for trial at the  
next Sessions.

aforesaid, then and in such Case he, she, or they shall suffer such Punishment as is herein-before directed to be inflicted on Persons not returning such Tools or Materials as aforesaid. 14 G. 3. c. 25. s. 3.

It shall and may be lawful for any Justice or Justices, upon Information made to him or them on Oath by any credible person or persons, that there is just cause to suspect that any Ends of Yarn, Wefts, Thrumbs, Short Yarn, or other Refuse of Cloth, Drugget, or of other Woollen Goods, or of Goods mixed with Wool (Flocks and Pinions only excepted), have been collected and received, and are lodged or concealed in any Dwelling House, Warehouse, Outhouse, Yard, or other Place, by Warrant under his Hand and Seal, to cause every such Dwelling House, Warehouse, Outhouse, Yard, and other Place, to be searched in the Day-time; and if such Ends of Yarn, Wefts, Thrumbs, Short Yarn, or other Refuse of Cloth, Drugget, or other Woollen Goods, or Goods mixed with Wool (Flocks and Pinions only excepted), above the Quantity of Three Pounds, shall be found therein, to seize the same; and also to cause the person or persons in whose House, Warehouse, Outhouse, Yard, or other Place the same shall be found, to be brought before him, or some other Justice or Justices of the Peace for the same County, Division, Liberty, or Place, and on proof being made thereof upon Oath before such Justice or Justices that such Ends of Yarn, Wefts, Thrumbs, Short Yarn, or other Refuse of Cloth, Drugget, Woollen Goods, or Goods mixed with Wool (Flocks and Pinions only excepted), were found in the Dwelling House, Warehouse, Outhouse, Yard, or other Place of such person or persons so brought before such Justice or Justices, such person or persons not exculpating him, her, or themselves to the Satisfaction of such Justice or Justices, shall thereupon suffer such punishment as is herein-before directed to be inflicted on persons not returning the Tools or Materials as aforesaid; and the Materials so found in the custody of such person or persons shall, by order of such Justice or Justices, be burnt, or otherwise destroyed. s. 4.

Provided always, that if upon any Information made upon Oath before any Justice or Justices against any person or persons offending against this Act, it shall appear to such Justice or Justices that such person or persons so informed against hath or have been already before convicted of any Offence against this Act, then and in such Case such Justice or Justices shall not proceed to convict such Offender or Offenders, but shall and may commit him, her, or them to the House of Correction, there to remain until the next General Quarter Session of the Peace to

be held in and for the said County, Division, Liberty, or Place, or until such Offender or Offenders shall have entered into a Recognizance, with sufficient Sureties, to appear at such Sessions, and then and there to abide the order of the Justices at such Session; and such Justice or Justices shall and may bind over the Informer to prosecute the said Offender or Offenders at the said Sessions; and the Justices at such Sessions shall then and there proceed to inquire into and determine the same in a summary way; and if upon such inquiry such person or persons shall be found guilty of the said Offence, the said Justices shall, at their Discretion, commit such Offender or Offenders to the House of Correction for any time they think proper to direct, not exceeding Three Calendar Months. 14 G. 3. c. 25. s. 5.

Provided also, that if it shall appear to the Justices at their General Quarter Sessions, that such person or persons hath or have already been convicted, at some General Quarter Sessions, of any Offence against this Act, then and in such Case the said Justices shall, upon a like Inquiry and Conviction in a summary way, direct the said Offender or Offenders to be committed to the House of Correction for any time not exceeding Six Calendar Months, and also to be once publicly whipped, at such time and place as such Justices at their said Quarter Sessions shall direct. s. 6.

Additional punishment on offenders being a second time convicted at the sessions.

Provided always, and be it further enacted, that if any person or persons shall think him, her, or themselves aggrieved by the Judgement of any Justice or Justices before whom he, she, or they shall have been convicted of any the Offences aforesaid, such person or persons may appeal; and the said Justice or Justices is and are hereby required to make known to such person or persons, at the time of such conviction, his and their Right under this Act to appeal to the next General Quarter Sessions of the Peace to be held for the County, Liberty, Division, or Place where such conviction shall be made, the person or persons at the time of such conviction giving to such Justice or Justices Notice in Writing, signifying his, her, or their intention to appeal, and also entering into a Recognizance at the time of such Notice, with sufficient Sureties, conditioned to try such Appeal, and to abide the Judgment of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions are hereby authorized and required, upon due proof made of such Notice and of such Recognizance being entered into, to hear and determine the matter of the said Appeal in a summary way, and award Costs to the party or parties appealing or appealed against, if the said Justices shall think

Persons aggrieved may appeal to the next Quarter Session.



and for the more effectual Punishment of Buyers and Receivers of Silk purloined and embezzled by persons employed in the manufacture thereof, recites that by divers Acts of Parliament made in the Twenty-second Year of the Reign of his late Majesty King George the Second, and in the Seventeenth Year of the Reign of His present Majesty, certain Pains, Penalties, and Forfeitures are inflicted on persons who should buy, receive, accept, or take by way of Gift, Pawn, Pledge, Sale, or Exchange, or in any other manner whatever, of or from any person or persons hired or employed in any of the Manufactures therein mentioned, any Materials of such Manufacture, whether first wrought, made up, or manufactured, or not, knowing the person or persons of whom the said Materials were bought, received, accepted, or taken, to be so hired or employed, without the consent of the persons so hiring or employing them, or who should buy, receive, accept, or take in any manner whatsoever, any of the said Materials, whether the same be or be not first wrought, made up, or manufactured, knowing the same to be purloined or embezzled; and that the Penalties and Forfeitures to which Offenders against the said Acts are subject have not been sufficient to deter persons from committing the like Offences in receiving purloined and embezzled Materials of Silk used in the Manufactories of Silk, unmixed or mixed with other Materials; and then enacts, that from and after the 24 June 1792, if any person or persons shall buy, receive, accept, or take by way of Gift, Pawn, Pledge, Sale, or Exchange, or in any other manner whatsoever (1), of or from any person or persons hired or employed to prepare or work up the Silk Manufacture or any Manufacture of Silk mixed with other Materials, any Silk, whether the same or any part thereof be or be not first wrought, made up, or manufactured, and whether the same be or be not mixed with other Materials, knowing such person or persons to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her, or them as aforesaid, or whether any Silk shall have been purloined or embezzled by any person or persons, shall buy, receive, accept, or take in any manner whatsoever, of or from any person or persons whomsoever, any such Silk, whether the same be wrought or unwrought, mixed or unmixed, knowing

22 G. 2. c. 27.  
17 G. 3. c. 56.  
recited.

From June 24, 1792, persons buying, &c. silk, mixed or unmixed with other materials, from those employed to work up any silk manufacture, &c. knowing them to be so employed,

(1) See as to this offence when committed with relation to Woollen Manufactures, the first part of this Digest, title LARCENY and ROBBERY. XX. v. pages 509, 510, 511, &c.



shall be proceeded against as directed by recited acts;

the same to have been purloined or embezzled; then and in every such case the person or persons so buying, receiving, accepting, or taking any such Silk, shall and may be proceeded against as directed by the said recited Acts of the Twenty-second of George the Second, and the Seventeenth of His present Majesty, or may be prosecuted for a Misdemeanor, and shall be punished by Fine, Imprisonment, or Whipping, as the Court of General or Quarter Sessions, who are hereby empowered to try such Offenders, or as any other Court before which he, she, or they shall be tried, shall think fit to inflict, although no Proof upon such Trial shall be given to whom such Silk doth belong; any Law or Statute to the contrary notwithstanding. s. 4.

as also persons selling, &c. purloined silk.

From and after the said 24 June 1792, if any person or persons shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of any Silk, whether wrought or unwrought, mixed or unmixed, knowing the same to have been so purloined or embezzled, every such person or persons lawfully convicted as aforesaid shall be liable to the same Punishment as persons convicted of receiving purloined or embezzled Silk, knowing the same to have been purloined or embezzled, would be liable to by virtue of this Act. s. 5.

*IV. The Offences of Exporting certain Tools, Models, and Utensils made use of in the Manufactures of this Kingdom, of Seducing Artificers to quit this Kingdom, and of Artificers going into any foreign Country to exercise their Trades.*

§ 1.

The Statute 5 G. 1. c. 27. s. 1. enacts, that if at any time hereafter any person shall contract with, entice, endeavour to persuade, or solicit any Manufacturer or Artificer of or in Wool, Iron, Steel, Brass, or any other Metal, Clock Maker, Watch Maker, or any other Artificer or Manufacturer of Great Britain, to go out of this Kingdom into any foreign Country out of his Majesty's Dominions, and shall be lawfully convicted thereof upon any Indictment or Information which shall be preferred or brought against him or them in any of his Majesty's Courts at Westminster, or at the Assizes or General Gaol Delivery, or Quarter Sessions of the Peace for the County, Riding, or Division where such Offence shall be committed, the person and persons so convicted shall be fined any Sum not exceeding One hundred Pounds for such first Offence, according

to the discretion of the Court in which such Conviction shall be, and shall be imprisoned for the Space of Three Months, and until such Fine shall be paid; and if any person or persons, having been once convict as aforesaid, shall offend again, and be so convict a second time of the like Offence, then and in such case, the person so convict a second time shall be fined at the discretion of the Court where such Conviction shall be, and be imprisoned for Twelve Months and until such Fine shall be paid.

But the above Provisions appear to be virtually repealed by the subsequent Statutes 23 G. 2. c. 27. and 25 G. 3. c. 67. after noticed.

The former of these Statutes, intituled, “An Act for the effectual punishing of persons convicted of seducing Artificers in the Manufactures of Great Britain or Ireland, out of the Dominions of the Crown of Great Britain; and to prevent the Exportation of Utensils made use of in the Woollen and Silk Manufactures from Great Britain or Ireland into foreign Parts; and for the more easy and speedy Determination of Appeals, allowed in certain cases, by an Act made in the last Session of Parliament, relating to persons employed in the several Manufactures therein mentioned,” recites the before-mentioned Enactment of the Statute 5 G. 1. c. 27.; and that whereas notwithstanding the Penalties to which Offenders against the said Act are thereby subjected, divers wicked and evil-disposed persons have of late seduced into foreign Parts several Artificers in the Woollen and other Manufactures; and that it is therefore become necessary to make some further and more effectual provision, to deter such persons from committing the said Offences, so destructive to the Trade of this Kingdom: Therefore, for preventing the said pernicious Practices for the future, and for explaining, amending, and rendering more effectual the said Act, be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if at any time after the twenty-fourth day of *June* one thousand seven hundred and fifty, any person or persons shall contract with, entice, persuade, or endeavour to persuade, solicit, or seduce, any Manufacturer, Workman, or Artificer of or in Wool, Mohair, Cotton, or Silk, or of or in any Manufactures made up of Wool, Mohair, Cotton, or Silk, or any of the said Materials mixed one with another, or of or in Iron, Steel, Brass, or any other Metal, or any Clock-maker,

§ 2.

Persons convicted of seducing artificers in the manufactures of Great Britain or Ireland, out of the dominions of the crown of Great Britain,



shall forfeit  
£500, and shall  
also be im-  
prisoned for 12  
months;

and for a second  
offence shall for-  
feit £1000. and  
be imprisoned  
for two years.

Prosecution to  
be commenced  
within 12 months  
after the offence  
committed.

Watch-maker, or any other Manufacturer, Workman, or Artificer of or in any other of the Manufactures of Great Britain or Ireland, of what nature or kind soever, to go out of this kingdom, or out of the kingdom of Ireland, into any foreign country, not within the dominions of or belonging to the Crown of Great Britain; and shall be lawfully convicted thereof, upon any Indictment or Information to be preferred or brought against him, her, or them, in his Majesty's Court of King's Bench at Westminster, or by Indictment at the Assizes or General Gaol Delivery for the County, Riding, or Division wherein such Offence shall be committed (if such Offence shall be committed in that part of Great Britain called England), or by Indictment in the Court of Justiciary, or any of the Circuit Courts in Scotland (if such Offence shall be committed in that part of Great Britain called Scotland), or by Indictment or Information in his Majesty's Court of King's Bench in Dublin (if such Offence shall be committed in Ireland), the person or persons so convicted shall, for every Artificer, Workman, or Manufacturer, so by him, her, or them respectively contracted with, enticed, persuaded, solicited, or seduced, severally forfeit the sum of five hundred pounds of lawful money of Great Britain; and shall also suffer Imprisonment in the Common Gaol of the County, Riding, Division, Shire, or Stewartry, wherein such Offender or Offenders shall be respectively convicted, for the space of twelve calendar months, without Bail or Mainprize, and until such forfeiture shall be paid; and in case of a further conviction, in manner before prescribed by this Act, for or upon a second or other subsequent Offence of the same kind, the person or persons so again offending shall, upon every second or other subsequent conviction, severally forfeit for every person so by him, her, or them respectively contracted with, enticed, persuaded, solicited, or seduced, the sum of one thousand pounds of lawful money of Great Britain; and shall also suffer Imprisonment in the Common Gaol of the County, Riding, Division, Shire, or Stewartry, wherein such Offender or Offenders shall be respectively convicted, for the space of two years, without Bail or Mainprize, and until such forfeiture shall be paid; any thing in the said in part recited Act of the fifth year of his said late Majesty's reign to the contrary notwithstanding. 23 G. 2. c. 27. s. 1.

Provided nevertheless, that no person shall be prosecuted for any of the Offences aforesaid, unless such Prosecution shall be commenced within the space of Twelve Calendar Months next after such Offence shall be committed. s. 2.

And whereas the Exportation of the several Tools or Utensils made use of in preparing, working up, and finishing the Woollen and Silk Manufactures, or any or either of them, will enable foreigners to work up such Manufactures, and thereby greatly diminish the Exportation of the same from this Kingdom: Therefore, for preserving as much as possible to his Majesty's British subjects, the benefits arising from those great and valuable branches of Trade and Commerce, be it further enacted by the authority aforesaid, that from and after the said twenty-fourth day of June one thousand seven hundred and fifty, if any person or persons in Great Britain or Ireland shall, upon any pretence whatsoever, load or put on board, or cause to be laden or put on board of any Ship, Vessel, or Boat, which shall not be bound directly to some port or place in Great Britain or Ireland, or to some other of the dominions of the Crown of Great Britain, any such Tools or Utensils as are commonly used in, or are proper for the preparing, working up, or finishing of the Woollen or Silk Manufactures, or any or either of them, or any Parts or Parcels of such Tools or Utensils, by whatever name or names such Tools or Utensils shall or may be called or known, the person or persons so offending shall, for every such Offence, not only forfeit and lose all such Tools and Utensils, or Parts or Parcels thereof, which shall be so laden or put on board as aforesaid, but also the sum of two hundred pounds of lawful money of Great Britain, to be recovered by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland, or in any of the Four Courts at Dublin respectively, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or more than One Imparlance. 23 G. 2. c. 27. s. 3.

See stat. 25 G. 3. c. 67. post page 585.

Persons exporting the utensils made use of in the woollen and silk manufactures from Great Britain or Ireland into foreign parts,

shall forfeit the tools, and £200.

From and after the said Twenty-fourth Day of June One thousand seven hundred and fifty, it shall and may be lawful to and for any Officer of his Majesty's Customs in Great Britain, and for any Officer of the Revenue in Ireland, to seize and secure in some or one of his Majesty's Warehouses, all such Tools or Utensils by this Act prohibited to be exported, as such Officer shall find or discover to be laid or put on board of any Ship, Vessel, or Boat, which shall not be bound directly to some Port or Place in Great Britain or Ireland, or to some other of the Dominions of the Crown of Great Britain; and that every Officer who shall seize and secure any of the said Tools or Utensils shall be fully and absolutely indemnified for so doing; and all

Officers of the customs and revenue empowered to seize all such tools as shall be found on board ships bound to foreign parts.

the same to be sold after condemnation, and the produce to go to the king and the officer.

Tools or Utensils so seized and secured as aforesaid, shall, after Condemnation thereof in due course of Law, be publicly sold to the best bidder; and one moiety of the produce arising by the sale of such Tools or Utensils shall be to the use of his Majesty, his Heirs and Successors, and the other moiety to the Officer who shall seize and secure the same as aforesaid. 23 G. 2. c. 27. s. 4.

Captains of vessels permitting such utensils to be put on board,

to forfeit £100.

Captains of his Majesty's ships to forfeit £100, and to be cashiered.

Officer of the custom-house, signing cockets, &c. for the exporting of such tools,

shall forfeit £100, and his employment.

One moiety of the forfeitures to go to the king, the other to the prosecutor,

From and after the said Twenty-fourth Day of June One thousand seven hundred and fifty, if the Captain or Master of any Ship, Vessel, or Boat, in Great Britain or Ireland, shall knowingly permit any of the said Tools or Utensils by this Act prohibited to be exported as aforesaid to be put on board his said Ship, Vessel, or Boat, every such Captain or Master shall for every such Offence forfeit the Sum of One hundred Pounds of lawful Money of Great Britain; to be sued for and recovered in the same manner as the Penalties by this Act inflicted upon Persons exporting the said Tools or Utensils are to be sued for and recovered; and if the said Ship, Vessel, or Boat belongs to his Majesty, his Heirs or Successors, then the Captain or Master thereof shall not only forfeit the Sum of One hundred Pounds of lawful Money of Great Britain, to be sued for and recovered as aforesaid, but shall also forfeit his Employment, and be incapable of any Office or Employment under his Majesty, his Heirs or Successors. s. 5.

If any Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in Great Britain, or any Officer of the Revenue in Ireland, shall take, or knowingly or willingly suffer to be taken, any Entry outward, or shall sign any Cocket, Warrant, or Sufferance for the shipping or exporting of any of the said Tools or Utensils by this Act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this Act, every such Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in Great Britain, or Officer of the Revenue in Ireland, so offending, shall forfeit the Sum of One hundred Pounds of lawful Money of Great Britain, to be sued for and recovered as aforesaid; and shall also forfeit his Office, and be incapable of any Office or Employment under his Majesty, his Heirs or Successors. s. 6.

One moiety of the respective Forfeitures by this Act inflicted upon Offenders against the same shall, when recovered, go and be applied to the use of his Majesty, his Heirs and Successors,

and the other moiety to the use of the person or persons who shall sue and prosecute for the same respectively. 23 G. 2. c. 27. s. 7.

Limitation of Actions, Six Months; General Issue, Treble Costs. s. 8.

The Statute 25 G. 3. c. 67. intituled "An Act to prohibit the Exportation to Foreign Parts, of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom; and to prevent the seducing of Artificers or Workmen employed in those Manufactures, to go into Parts beyond the Seas," recites that the Exportation of the several Tools and Utensils made use of in preparing, working up, and finishing the Iron and Steel Manufactures of this Kingdom, or either of them, will enable Foreigners to work up such Manufactures, and thereby greatly diminish the Exportation of the same from this Kingdom; and therefore, for the preserving as much as possible to his Majesty's subjects the benefits arising from those great and valuable branches of Trade and Commerce, it is enacted, that if from and after 1st August 1785, any person or persons in Great Britain shall, upon any pretence whatsoever, export, load, or put on board, or pack (1), or cause or procure to be laden, put on board, or packed, in order to be loaded or put on board of any Ship or Vessel which shall be bound to some Port or Place in parts beyond the Seas (except to Ireland), or shall lade or cause or procure to be laden on board any Boat or other Vessel, or shall bring or cause to be brought to any Quay, Wharf, or other Place, in order to be so laden or put on board any such Ship or Vessel, any Tool or Utensil hereafter mentioned; that is to say, Hand Stamps, Dog Head Stamps, Pulley Stamps, Stamps of all sorts, Hammers and Anvils for Stamps, Screws for Stamps, Iron Rods for Stamps, Presses of all sorts in Iron, Steel, or other Metal, which are used for giving Impressions to Metal, or any parts of these several Articles; Presses of all sorts called Cutting-out Presses, Beds and Punches to be used therewith; Piercing Presses of all sorts, Beds and Punches to be used therewith, either in parts or pieces, or fitted together; Iron or Steel Dies to be used in Stamps or Presses, either with or without Impressions on them; Rollers of Cast Iron, Wrought Iron or Steel, for rolling of Metal, and Frames for the same; Flasks or Casting Moulds, and Boards used therewith; Lathes of all sorts for turning, burnishing, polishing, either the whole together or separate parts thereof; Lathe Strings, Polishing Brushes, Scoring or

§ 3.

No person to put on board any vessel, for exportation, any tool, &c. herein specified,

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(1) This word does not occur in the previous act 23 G. 2. c. 27.

on penalty  
of forfeiture  
thereof, &c.

and if the of-  
fender shall not  
give a satisfactory  
account before  
the magistrate,  
he shall be bound  
to appear at the  
next assizes, &c.

or on refusal to  
give bail, be  
committed for  
trial.

Shading Engines, Presses for Horn Buttons, Dies for Horn Buttons, Shears for cutting of Metal, Rolled Steel, Rolled Metal with Silver thereon, Parts of Buttons not fitted up into Buttons, or in an unfinished state; Engines for Chasing, Stocks for casting Buckles, Buttons, and Rings; Cast Iron Anvils and Hammers for Forging Mills for Iron and Copper; Rolls, Slitters, Beds, Pillars, and Frames for Slitting Mills; Die-sinking Tools of all sorts; Engines for making Button Shanks, Laps of all sorts, Drilling Engines, Tools for pinching of Glass, Engines for covering of Whips, Polishing Brushes, Bars of Metal covered with Gold or Silver, Iron or Steel Screw Plates, Pins, and Stocks for making Screws, or any other Tool or Utensil whatsoever which now are, is, or at any time or times hereafter shall or may be used in or proper for the preparing, working, finishing, or completing of the Iron or Steel Manufactures of this Kingdom, or either of them, by what Name or Names soever the same shall be called or known, or any Model or Plan or Models or Plans of any such Tool, Utensil, or Implement, or any part or parts thereof; the person or persons so offending shall, for every such Offence, not only forfeit and lose all such Tools or Utensils, or parts or parcels thereof, together with the Packages and all other Goods packed therewith, if any such there be; and Complaint being made upon the Oath of one or more credible Witness or Witnesses before any Justice or Justices of the Peace, it shall and may be lawful to and for such Justice or Justices of the Peace to issue his or their Warrant or Warrants to bring the person or persons so complained of before him or them, or some other of His Majesty's Justices of the Peace for the same County, City, Riding, Division, Liberty, Shire, Stewartry, or Place; and if when such person or persons shall be brought before such Justice or Justices, he, she, or they shall not give such an account of the Use or Purpose to which such Tools, Utensils, or Implements, and Part or Parts thereof, and all such Model or Plan, Models or Plans, and Part or Parts thereof, are intended to be appropriated, as shall be satisfactory to the Justice or Justices before whom he, she, or they shall be brought as aforesaid, then and in such case it shall and may be lawful to and for such Justice or Justices to bind the person or persons so charged to appear at the next Assises, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, Division, Stewartry, or Place where such Offence shall be committed, with reasonable Sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such Security, then and in such case it shall and

may be lawful to and for such Justice or Justices to commit the person or persons so refusing to the Common Gaol or House of Correction, there to be kept until the next Assises, or next Quarter Sessions of the County, City, Riding, Division, Shire, Stewartry, or Place where such Commitment shall be, and until he, she, or they shall be delivered by due course of Law; and in case any such person or persons shall be convicted of any of the Offences aforesaid upon any Indictment or Information against him, her, or them, at such Assises or Quarter Sessions of the Peace as aforesaid, the person or persons so offending shall, for every such Offence, forfeit the Sum of Two hundred Pounds of lawful Money of Great Britain, and shall also suffer Imprisonment in the Common Gaol, Prison, or House of Correction of the County, City, Riding, Division, Liberty, Shire, Stewartry, or Place wherein such Offender or Offenders shall be respectively convicted, for the space of Twelve Months without Bail or Mainprize, and until such Forfeiture shall be paid. s. 1.

Penalty on conviction.

From and after said 1st August 1785, it shall and may be lawful to and for any Officer of His Majesty's Customs in Great Britain, and they are hereby required to seize and secure, in some or one of his Majesty's Warehouses, all such Tools, Utensils, or Implements, or Part or Parts thereof; and all and every such Model or Plan, Models or Plans, or Part or Parts thereof, as such Officer shall find or discover to be laid or put on board, or intended to be laid or put on board, of any Ship, Vessel, or Boat, which shall be bound to some Port or Place in Parts beyond the Seas (except to Ireland), contrary to the true Intent and Meaning of this Act, together with the Packages, and all other Goods packed therewith (if any such there be), and they are hereby indemnified in so doing; and all Tools, Utensils, and Implements, or Part or Parts thereof, Model or Plan, Models or Plans, or Part or Parts thereof, together with the Packages and other Goods packed therewith, so seized and secured as aforesaid, shall, after Condemnation thereof in due Course of Law, be publicly sold to the best Bidder, by Order of the Commissioners of the Customs in Great Britain respectively; and One Moiety of the Produce arising by the Sale thereof, after deducting the Charges of Condemnation and Sale, shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer who shall seize and prosecute the same as aforesaid. s. 2.

Officers of the customs may seize all such tools, &c. laid or intended to be laid on board any outward-bound vessel;

Goods packed with such tools may after condemnation be sold.

From and after the said 1st August 1785, if the Captain or Master of any Ship, Vessel, or Boat, in Great Britain, shall

Penalty on masters of vessels who shall permit



any such tools,  
&c. to be put on  
board.

knowingly or designedly permit or suffer any Tool, Utensil, or Implement, or Part or Parts thereof, or any Model or Plan, or Part or Parts thereof, by this Act prohibited to be exported as aforesaid, to be put on board his said Ship, Vessel, or Boat, every such Captain or Master shall, for every such Offence, forfeit the Sum of Two hundred Pounds; and if the said Ship, Vessel, or Boat, shall belong to his Majesty, his Heirs or Successors, then the Captain or Master thereof shall not only forfeit the Sum of Two hundred Pounds, but shall also forfeit his Employment, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors. 25 G. 3. c. 67. s. 3.

Penalty on officers of customs taking any entry outwards, &c. for such tools or utensils.

If any Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in Great Britain, shall take, or knowingly or willingly suffer to be taken, any Entry outward, or shall sign any Cocquet, Warrant, or Sufferance, for the shipping or exporting of any of the said Tools, Utensils, or Implements, or any Part or Parts thereof, or any of the said Models or Plans, or any Part or Parts thereof, by this Act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true Intent and Meaning of this Act; every such Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs of Great Britain, shall for every such Offence forfeit the Sum of Two hundred Pounds, and shall also forfeit his Office, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors. s. 4.

Persons having in possession any such tool, utensil, &c. with intent to export the same, any Justice may issue his warrant for seizing thereof, and bringing such person before him;

From and after said 1st August 1785, if any person or persons hath or have in his, her, or their Custody, Power, or Possession, or shall collect, obtain, make, apply for, or cause or procure to be made, any such Tool, Utensil, or Implement, or any Part or Parts thereof, or any such Model or Plan, Models or Plans, or Part or Parts thereof as aforesaid, with Intent to export, or that the same may be exported out of Great Britain to any Part or Place beyond the Seas (except to Ireland), and Complaint being made, upon the Oath of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace, that there is Reason to believe such person or persons hath or have in his, her, or their Custody, Power, or Possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such Tool, Utensil, or Implement, or Part or Parts thereof, or any such Model or Plan, or Models or Plans, or Part or Parts thereof as aforesaid, with Intent to export, or that the same may be exported to some other

Port or Place than Great Britain or Ireland; then, and in any of the said Cases, it shall and may be lawful to and for the said Justice or Justices of the Peace to issue his or their Warrant or Warrants to seize all such Tools, Utensils, or Implements, or Part or Parts thereof, and all such Models or Plans, or Part or Parts thereof as aforesaid, and to bring the person or persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, City, Riding, Division, Shire, Stewartry, or Place; and if such person or persons shall not give such an Account of the Use or Purpose to which such Tools, Utensils, or Implements, or Part or Parts, Models or Plans, or Part or Parts thereof, is, are, or were intended to be appropriated, as shall be satisfactory to the Justice or Justices before whom he, she, or they shall be brought as aforesaid, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to cause all such Tools, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, which shall have been so seized as aforesaid, to be detained, and also to bind the person or persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace, for the County, City, Riding, Division, Shire, Stewartry, or Place, where such Offence shall be committed, with reasonable Sureties for his, her, or their Appearance; and in case such person or persons shall refuse or neglect to give such Security, then and in such case it shall and may be lawful to and for such Justice or Justices to commit such person or persons to the County Gaol, Prison, or House of Correction, there to remain until the next Assizes, or Quarter Session of the County, City, Riding, Division, Liberty, Stewartry, or Place, where such Commitment shall be, and until he, she, or they shall be delivered by due Course of Law; and in case any such person or persons shall be convicted, upon any Indictment or Information against him, her, or them, at such Assizes or Quarter Sessions of the Peace as aforesaid, of having in his, her, or their Custody, Power, or Possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such Tool, Utensil, or Implement, or Part or Parts thereof, Model or Plan, or Part or Parts thereof, with such Intent as aforesaid, then, and in such Case the person or persons so convicted shall, for every such Offence, forfeit and lose all such Tools, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, which shall be so seized and detained, and also the Sum of Two hundred Pounds of lawful Money of Great

and if he shall not give a satisfactory account thereof, such tools, &c. may be detained, and the possessor bound over to appear at the next assizes, &c.

and refusing to give such security may be committed.

Penalty on conviction.



Britain, and shall suffer Imprisonment in the Common Gaol of the County, City, Riding, Division, Shire, Stewartry, or Place, wherein such offender or offenders respectively shall be committed, for the Space of Twelve Months, without Bail or Mainprize, and until such Forfeiture shall be paid. 25 G. 3. c. 67. s. 5.

Penalty on persons enticing artificers in the iron or steel manufactures, &c. to leave this kingdom (except to Ireland):

For first offence, £500. and 12 months imprisonment;

and for the second offence, £1000 and two years imprisonment.

And whereas for the encouraging of such Manufactories in this Kingdom, it is necessary that Provision should be made to prevent Artificers and others employed therein from departing, or from being seduced to depart out of this Kingdom; be it therefore further enacted, that from and after the said 1st August 1785, if any person or persons shall contract with, entice, persuade, or endeavour to seduce or encourage any Artificer or Workman concerned or employed, or who shall have worked at or been employed in the Iron or Steel Manufactures in this Kingdom, or in making or preparing any Tools or Utensils for such Manufactory, to go out of Great Britain to any Parts beyond the Seas (1) (except to Ireland), and shall be convicted thereof upon Indictment or Information in the Court of King's Bench at Westminster, or by Indictment at the Assizes or General Gaol Delivery or Quarter Sessions for the County or Place wherein such Offence shall be committed, or the Offender or Offenders shall live or reside, or by Indictment in the Court of Justiciary, or any of the Circuit Courts in Scotland, as the Case may be; every person so convicted shall, for every Artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the Sum of Five hundred Pounds of lawful Money of Great Britain, and shall be committed to the Common Gaol for the County, Place, or Stewartry, wherein the Offender or Offenders shall be convicted, there to remain without Bail or Mainprize for the space of Twelve Calendar Months, and until such Forfeiture shall be paid; and in case of a subsequent Offence of the same kind, the person or persons so again offending shall, upon the like Conviction, forfeit and pay for every person so contracted with, enticed, persuaded, encouraged or seduced, or attempted so to be, the Sum of One thousand Pounds of lawful Money of Great Britain, and shall be committed to the Common Gaol as aforesaid, there to remain, without Bail or Mainprize, for and during the Term of Two Years, and until such Forfeiture shall be paid. s. 6.

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(1) See the Statute 39 G. 3. c. 56., (part the first of this Digest, title COAL WORKS, COLLIERIES, AND COLLIERS), punishing the offence of seducing *Colliers* to quit the Kingdom.

Provided always, that no person shall be prosecuted for any of the Offences aforesaid, unless such Prosecution shall be commenced within the space of Twelve Calendar Months next after such Offence shall be committed. 25 G. 3. c. 67. s. 7.

Limitation of prosecutions, 12 months.

The several Penalties and Forfeitures herein-before mentioned, shall and may be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, or in the Court of Exchequer, or in the Court of Session in Scotland, in the Name of his Majesty's Attorney General or Lord Advocate, or in the Name of some Officer or Officers of the Customs in Great Britain respectively, wherein no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and that One Moiety of the said Penalties and Forfeitures shall go and be applied to the use of his Majesty, his Heirs and Successors, and the other Moiety to the use of such Officer or Officers of the Customs as shall sue and prosecute for the same respectively, after deducting the Charges of Prosecution from the whole. s. 8.

Recovery and application of penalties and forfeitures.

If any Suit or Action shall be commenced against any person for what he shall do in pursuance of this Act, such Suit or Action shall be commenced within Three Months next after the Fact committed; and the person so sued may file common Bail or enter a common Appearance, and plead the General Issue Not Guilty, and may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit or suffer Discontinuance, or if a Verdict pass against him or her, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover Treble Costs. s. 9.

Limitation of actions.

General issue.

Treble costs.

The Statute 26 G. 3. c. 89. recites the tenor of the first Section of the preceding Act 25 G. 3. c. 67. and that "the general Prohibition of the Exportation of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom, may be productive of inconvenience;" and then enacts, that from and after the 10th July 1786, it shall and may be lawful to export from Great Britain to the British Islands in the West Indies, or to any other foreign Part or Place whatever, any Tools or Utensils made use of in the Iron or Steel Manufactures of this Kingdom, which might have been legally exported before the passing of the before recited Act (except the several Articles herein-after particularly enumerated, that is to say, Rollers, either plain, grooved, or of any other form or denomination, of cast Iron, wrought Iron, or Steel, for the rolling of Iron or any sort of Metals, and Frames,

Certain tools used in the iron and steel manufactures allowed to be exported.

Beds, Pillars, Screws, Pinions, and each and every Implement, Tool, or Utensil thereunto belonging; Rollers, Slitters, Frames, Beds, Pillars and Screws for Slitting Mills; Presses of all sorts in Iron, Steel, or other Metals, which are used with a Screw exceeding one inch and an half in Diameter, or any Parts of these several Articles, or any Model or Models of any of the before-mentioned Utensils, Implements, and Machines, or any Part or Parts thereof; and all sorts of Utensils, Engines, or Machines, used in the casting or boring of Cannon, or any sort of Artillery, or any parts thereof, or any Model or Models of Tools, Utensils, Engines or Machines used in casting or boring of Cannon, or any Sort of Artillery, or any parts thereof; Hand-stamps, Dog-head Stamps, Pulley Stamps, Hammers and Anvils for Stamps, Presses of all sorts called *Cutting-out Presses*, Beds and Punches to be used therewith, piercing Presses of all Sorts, Beds and Punches to be used therewith, either in Parts or Pieces or fitted together, scoring or shading Engines, Presses for Horn Buttons, Dies for Horn Buttons, rolled Metal with Silver thereon, parts of Buttons not fitted up into Buttons, or in an unfinished state; Engines for chasing, Stocks for casting Buckles, Buttons and Rings; Die-sinking Tools of all sorts, Engines for making Button Shanks, Laps of all sorts, Tools for pinching of Glass, Engines for covering of Whips, Bars of Metal covered with Gold or Silver, burnishing Stones, commonly called *Blood-stones*, either in the rough state or finished for use); any thing in the said recited Act to the contrary in anywise notwithstanding.

From and after the 10th July 1786, it shall not be lawful for any person or persons in the Kingdom of Great Britain to export to parts beyond the Seas (except to Ireland) or to have in his or their Possession with the intent so to export, any of the Tools and Utensils hereinafter mentioned; that is to say, Wire Moulds for making Paper; Wheels made of Metal, Stone, or Wood, for cutting, roughing, smoothing, polishing, and engraving Glass; Purcellas, Pinchers, Sheers, and Pipes used in blowing Glass; Potters Wheels and Potters Lathes for plain, round, and for Engine-turning Tools, used by Sadlers, Harness Makers, and Bridle Makers, namely, Cattle Strainers, Side Strainers, Point Strainers, Creasing Irons, Screw Creasers, Wheel Irons, Seat Irons, Pricking Irons, Bolstering Irons, Clams, Head Knives; and that the said recited Act, so far as the same concerns the Exporters or Possessors of the Tools and Utensils therein enumerated or described, shall extend or be construed to extend to all and every the Exporters or Possessors of the

Tools and Utensils herein enumerated or described, as fully to all intents and purposes as if the same were repeated and re-enacted in the body of this Act. s. 2.

The Statute 35 G. 3. c. 38. s. 4. recites that the above Statute [26 G. 3. c. 89.] (which had been continued by several Acts of Parliament) had been found useful and beneficial, and fit to be made perpetual; and then enacts, that the said Act [26 G. 3. c. 89.] shall be and the same is hereby made perpetual.

By Stat. 44 G. 3. c. 70. Machinery and Tools to be employed in erecting a Mint in Denmark are allowed to be exported.

And by 50 G. 3. c. 63. like Machinery and Tools are allowed to be exported to the Brazils for a similar purpose.

The Statute 5 G. 1. c. 27. enacts, that if any of his Majesty's subjects within this kingdom, being such Artificer or Manufacturer as aforesaid (1), shall, at any time after the First Day of May in the Year of our Lord one thousand seven hundred and nineteen, go into any Country out of his Majesty's Dominions, there to use or exercise, or to teach any of the said Trades or Manufactures to foreigners, or in case any of his Majesty's subjects now being, or who hereafter shall be in any such Foreign Country out of his Majesty's Dominions as aforesaid, and there using or exercising any of the said Trades or Manufactures herein-before mentioned, shall not return into this Realm within Six Months next after warning shall be given to him by the Ambassador, Envoy, Resident, Minister, or Consul of the Crown of Great Britain in the Country in which such Artificer shall be, or by any person authorized by such Ambassador, Envoy, Resident, Minister, or Consul, or by one of his Majesty's Secretaries of State for the time being, and from thenceforth continually inhabit and dwell within this Realm, then and in such case every such person or persons shall be from thenceforth incapable of taking any Legacy that shall be devised to him within this Kingdom, or of being an Executor or Administrator to any person or persons within this Kingdom, and shall be incapable of taking any Lands, Tenements, or Hereditaments within this Kingdom, by Descent, Devise, or Purchase, and also forfeit all his Lands, Tenements, Hereditaments, Goods, and Chattels within this Kingdom, to his Majesty's use, and shall from thenceforth be and be deemed and taken to be an Alien, and shall be out of His Majesty's protection. s. 3.

§ 4.

After May 1, 1719, any artificer going into a foreign country, there to exercise his trade, and not returning in six months after warning given him by the ambassador, &c. shall be incapable of taking any legacy, &c.

forfeit all his lands, &c. and be deemed an alien.

From and after the said 1st May 1719, upon complaint made upon oath before any Justice or Justices of the Peace, that any Justices of Peace may, on complaint of any

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(1) See ante, page 580.

offence against this act, issue their warrant for the apprehending of the offender, and bind him to appear at the assizes or sessions.

Persons refusing to give such security may be committed.

Persons convicted shall give security not to depart the kingdom, or be imprisoned till such security given.

Offenders in Scotland shall be prosecuted in the Court of Justiciary or Circuits there.

person or persons is or are endeavouring to seduce or draw away any such Manufacturer or Artificer as aforesaid out of his Majesty's Dominions, for any the purposes aforesaid, or that any such Manufacturer or Artificer as aforesaid hath contracted, promised, or is preparing to go out of his Majesty's Dominions for any of the purposes aforesaid, then and in such case it shall and may be lawful to and for the Justice or Justices of the Peace unto whom such complaint shall be made, to send forth his Warrant to bring the person and persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, Riding, Division, or City; and if, when such person or persons shall be so brought before such Justice or Justices, it shall appear to such Justice or Justices, by the Oath or Oaths of one or more credible Witness or Witnesses, or by the Confession of the Party or Parties so brought before him or them, that the Party so complained of was guilty of any of the said Offences, then and in such case it shall and may be lawful to and for such Justice and Justices to bind the person so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, or Division where such Offence shall be committed to answer the Premises, with reasonable sureties for such his appearance; and in case such person or persons shall refuse or neglect to give such security, then and in such case it shall and may be lawful to and for such Justice and Justices to commit the person or persons so refusing to the County Gaol, there to be kept until the next Assizes or next Quarter Sessions of the County, City, Riding, or Division where such Commitment shall be, at the Election of such Justice of the Peace; and until he, she, or they shall be delivered by due course of Law; and in case any such Artificer or Manufacturer shall be convict upon any Indictment to be preferred against him at such Assizes or General Gaol Delivery, or Quarter Sessions of the Peace as aforesaid, of any such Promise or Contract, or Preparation to go abroad beyond the Seas, for any of the purposes aforesaid, then and in such case the person so convict shall give such security to his Majesty, his Heirs and Successors, not to depart out of his Majesty's Dominions for any of the purposes aforesaid, as such Court shall think reasonable, and shall be imprisoned until such security shall be given. s. 4.

If any of the above-mentioned Offences shall be committed in that part of Great Britain called Scotland, the same shall be prosecuted in the Court of Justiciary or the Circuits there. 5 G. 1. c. 27. s. 5.

## Marriages.

The Statute 26 G. 2. c. 33. reciting that "whereas many persons do solemnize Matrimony in Prisons and other Places without Publication of Banns or Licence of Marriage first had and obtained," and then (by s. 8.) "for the prevention thereof" enacts, that if any person shall from and after 25th March 1754, solemnize Matrimony in any other place than a Church or publick Chapel where Banns have been usually published, unless by Special Licence from the Archbishop of Canterbury; or shall solemnize Matrimony without publication of Banns, unless Licence of Marriage be first had and obtained from some person or persons having authority to grant the same; every person knowingly and wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of Felony, and shall be transported to some of his Majesty's Plantations in America for the Space of Fourteen Years, according to the Laws in force for the Transportation of Felons; and all Marriages solemnized from and after 25th March 1754, in any other place than a Church or such Publick Chapel, unless by Special Licence as aforesaid, or that shall be solemnized without Publication of Banns or Licence of Marriage from a person or persons having authority to grant the same first had and obtained, shall be null and void to all intents and purposes whatsoever.

Offenders convicted of solemnizing matrimony in any other place than a church, &c. or without publication of banns or a licence, declared guilty of felony;

and the marriage thereupon had shall be void.

Provided, that all prosecutions for such Felony shall be commenced within the Space of Three Years after the Offence committed. s. 9.

Limitation of prosecutions.

## Mayhem.

Item, because that many Offenders do daily beat, wound, imprison, and maim divers of the King's liege People, and after purposely cut their Tongues or put out their eyes; it is ordained and stablished that in such case the Offenders that so cut Tongues or put out the Eyes of any of the King's liege People, and that duly proved and found that such Deed was done of Malice prepensed, they shall incur the pain of Felony.

5 H. 4. c. 5.

If any person maliciously, willingly, or unlawfully shall cut or cause to be cut off the Ear or Ears of any of the King's Subjects otherwise than by the Authority of the Law, chance medley, sudden affray or adventure, he shall not only forfeit Treble Damages to the Party grieved, to be recovered by Action of

§ 1.

Such as cut out the tongue, or put out the eye of another, shall be guilty of Felony.

§ 2.

Penalty on persons cutting off the ears of another.



Trespass, but shall forfeit Ten Pounds to the King for every such Offence in the name of a Fine. 37 H. 8. c. 6.

§ 3.

Offenders who shall maliciously and by lying in wait cut out the tongue, slit the nose, or disable or cut off any limb of another person, with intent to maim or disfigure them, and their aiders, &c. shall lose their Clergy

East P. C. 394.

The Statute 22, 23 Car. 2. c. 1. (commonly called the Coventry Act, from the Circumstance of its having passed on occasion of an Assault made on Sir John Coventry in the Street, and slitting his Nose by persons who lay in wait for him for that purpose, in revenge, as was supposed, for some obnoxious words uttered by him in Parliament), enacts, (s. 7.) that if any person or persons on purpose and of malice forethought, and by lying in wait, shall unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Limb or Member of any Subject of his Majesty, with intention in so doing to maim or disfigure in any the manners before mentioned, such his Majesty's Subject; that then and in every such Case, the person or persons so offending, their Counsellors, Aiders, and Abettors (knowing of and privy to the Offence as aforesaid), shall be and are hereby declared to be Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Not to extend to corrupt the Blood, forfeit the Dower of the Wife, or the Lands, Goods, or Chattels of the Offender. s. 8.

§ 4.

Persons maliciously shooting at another ousted of Clergy.

The Statute 9 G. 1. c. 22. (1) enacts (s. 1), that if any person or persons shall wilfully and maliciously shoot at any person in any Dwelling House or other Place, or shall forcibly rescue any person being lawfully in Custody of any Officer or other person for such Offence; or if any person or persons shall by Gift or Promise of Money or other Reward, procure any of his Majesty's Subjects to join him or them in any such unlawful act; every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy.

§ 5.

Persons maliciously shooting or attempting to shoot, or stabbing or cutting, with intent to murder, maim, &c. any subject of his Majesty, or to prevent the arrest of an offender, ousted of Clergy.

The Statute 43 G. 3. c. 58. (2) enacts, that if any person or persons, from and after 1st July 1803, shall, either in England or Ireland, wilfully, maliciously, and unlawfully shoot at any of his Majesty's Subjects, or shall wilfully, maliciously, and unlawfully present, point, or level any kind of loaded Fire-Arms at any of his Majesty's Subjects, and attempt by drawing a Trigger, or in any other manner, to discharge the same at or against his or their person or persons, or shall wilfully, maliciously, and unlawfully stab or cut any of his Majesty's Subjects, with intent in so doing, or by means thereof, to murder or rob,

(1) See this Act at length under title BLACK ACT.

(2) See this Act at length under title ASSAULTS, I. III.



or to maim, disfigure, or disable such his Majesty's Subject or Subjects, or with intent to do some other grievous bodily harm to such his Majesty's Subject or Subjects, or with intent to obstruct, resist, or prevent the lawful Apprehension and Detainer of the person or persons so stabbing or cutting, or the lawful Apprehension and Detainer of any of his, her, or their Accomplices, for any Offence for which he, she, or they may respectively be liable by Law to be apprehended, imprisoned, or detained; that then and in every such case the person or persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall be and are hereby declared to be Felons, and shall suffer Death as in cases of Felony without Benefit of Clergy: Provided always, that in case it shall appear on the Trial of any person or persons indicted for the wilfully, maliciously, and unlawfully shooting at any of his Majesty's Subjects, or for wilfully, maliciously, and unlawfully presenting, pointing, or levelling any kind of loaded Fire Arms at any of His Majesty's Subjects, and attempting by drawing a Trigger, or in any other manner to discharge the same at or against his or their person or persons, or for wilfully, maliciously, and unlawfully stabbing or cutting any of his Majesty's Subjects with such intent as aforesaid, that such acts of (1) stabbing or cutting were committed under such circumstances as that if Death had ensued therefrom the same would not in Law have amounted to the Crime of Murder, that then and in every such case the person or persons so indicted shall be deemed and taken to be Not Guilty of the Felonies whereof they shall be so indicted, but be thereof acquitted.

In such cases where if death had ensued from such shooting, stabbing, &c. it would not have amounted to murder, the party indicted shall be acquitted.

## Mills.

(And see Title Riots.)

- § 1. *Riotously demolishing or beginning to demolish any Mill.*
- § 2. *Setting fire to or burning any Mill.*
- § 3. *Damages to the Party injured by the Riotous Demolition of Mills.*

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(1) The words " shooting, presenting, pointing, or levelling any kind of loaded fire-arms, and attempting, by drawing a trigger, or in any other manner, to discharge the same," appear to be omitted in this place by mistake.

§ 1.  
Persons riotously  
demolishing, &c.  
Mills, shall be  
guilty of Felony,  
without Clergy.

The Stat. 9 G. 3. c. 29. recites s. 4. of Stat. 1 G. 1. st. 2. c. 5. (1) and that some Doubts have arisen whether the said Act extends to the pulling down or demolishing of Mills, and then enacts, that if any person or persons unlawfully, riotously and tumultuously assembled together to the Disturbance of the Public Peace, shall, at any time after 1st July 1769, unlawfully, and with force demolish or pull down, or begin to demolish or pull down, any Wind Saw Mill, or other Wind Mill, or any Water Mill or other Mill, which shall have been or shall be erected, or any of the Works thereto respectively belonging; that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony without Benefit of Clergy, and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. (See post, § 2.)

§ 2.  
The like punish-  
ment on persons  
burning Mills.

Whereas no effectual Provision hath heretofore been made for preventing the Burning of Mills, be it therefore enacted, that if any person or persons shall from and after 1st July 1769, wilfully or maliciously burn or set fire to any Wind Saw Mill, or other Wind Mill, or any Water Mill or other Mill, such person so offending, being lawfully convicted thereof, shall be adjudged guilty of Felony without Benefit of Clergy, and shall suffer Death as in case of Felony without Benefit of Clergy. 9 G. 3. c. 29. s. 2.

Limitation of  
Prosecutions.

By s. 4. no person or persons shall be prosecuted by virtue of this Act, for any Offence or Offences committed contrary to the same, unless such prosecution be commenced within Eighteen Months after the Offence committed.

Offenders ma-  
liciously burning  
any Mill, and  
their Aiders, &c.  
ousted of Clergy.

The Statute 43 G. 3. c. 58. s. 1. (which see at length under title ASSAULT, Division I.) enacts, that if any person or persons from and after 1st July 1803, shall, either in England or Ireland, wilfully, maliciously and unlawfully set fire to any House, Barn, Granary, Hop Oast, Malt House, Stable, Coach House, Out-house, Mill, Warehouse or Shop, whether such House, Barn, Granary, Hop Oast, Malt House, Stable, Coach House, Out-house, Mill, Warehouse or Shop, shall then be in the possession of the person or persons so setting fire to the same, or in the possession of any other person or persons, or of any Body Corporate, with Intent thereby to injure or defraud his Majesty, or any of his Majesty's Subjects, or any Body Corporate, that then and in every such case the person or persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall

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(1) See this Statute under title R10TS.

be and are hereby declared to be Felons, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

The Statute 41 G. 3. (U. K.) c. 24. intituled "An Act for the indemnifying of persons injured by the forcible pulling down and demolishing of Mills, or of Works thereunto belonging, by Persons unlawfully and riotously assembled," recites the before-mentioned Provisions of the Statute 9 G. 3. c. 29. (which recites the Statute 1 G. 1. st. 2. c. 5.) and that no Provision is made in and by the said recited Act for the Indemnification of the persons damnified and injured by such pulling down and demolishing of such Mills and Works thereunto belonging; and that it is expedient that the like Remedy and Means of Indemnification should be extended to the persons damnified and injured by the pulling down and demolishing such Mills and Works thereunto belonging, as are by the said Act (1 G. 1. st. 2. c. 5.) now afforded and given to the persons damnified and injured by the Offences mentioned in the said Act, 1 G. 1. st. 2. c. 5.; and then enacts, that if after the passing of this Act, any Wind Saw Mill or other Windmill, or any Water Mill or other Mill, or any of the Works thereunto belonging, shall be demolished or pulled down wholly or in part by any persons so unlawfully, riotously, and tumultuously assembled, that then the Damages sustained by the person or persons injured and damnified by such demolishing or pulling down wholly or in part, shall and may be sued for, recovered, levied, raised, and reimbursed in such manner and form and by such ways and means as are particularly provided in and by the said Act made in the First Year of the Reign of his said late Majesty King George the First, in respect to the several descriptions of Buildings therein mentioned.

Damages occasioned by the demolishing of Mills, &c. by Persons unlawfully assembled, may be sued for and recovered in the manner provided by the 1 G. 1. st. 2. c. 5.

## **Mines.**

- § 1. *Setting Fire to Coal Mines &c. a Capital Felony.*
- § 2. *Persons drowning such Mines, liable to pay treble Damages and full Costs.*
- § 3. *Setting Fire to or otherwise destroying or damaging the Works, Railways, &c. belonging to any Mines; or unlawfully digging or raising Minerals from any Mine.*
- § 4. *In whom the Property stolen from Mines shall be laid to be.*

*§ 1. Setting Fire to Coal Mines, &c.*

Persons setting fire to any mine, &c. or cannel coal, shall be guilty of Felony without Clergy.

From and after the 24th June 1737, and during the continuance of the before-mentioned Act of 9 G. 1. (c. 22.) if any person or persons shall wilfully and maliciously set on Fire, or cause to be set on Fire, any Mine, Pit, or Delph of Coal or Cannel Coal, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy. 10 G. 2. c. 32. s. 6. Made perpetual by 31 G. 2. c. 42. s. 5, 6.

Provisions and powers of 9 G. 1. c. 22. extended to cases of offences committed by setting fire to any mine, pit, or delph of coal, or cannel coal.

All the provisions made in the Act 9 G. 1. c. 22. for the more speedy and easy bringing the Offenders against the said Act to Justice, and the persons who shall conceal, aid, abet, or succour such Offenders, and for making satisfaction and amends to all and every the person and persons, their Executors and Administrators, for the Damages they shall have sustained or suffered by any Offender or Offenders against the said Act, and for the Encouragement of persons to apprehend and secure such Offender and Offenders, and for the better and more impartial Trial of any Indictment or Information which shall be found, commenced, or prosecuted for any of the Offences committed against the said Act, together with all restrictions, limitations, and mitigations by the said Act directed, shall during the continuance of the said Act extend to and be of force and effect in all cases of Offences committed by wilfully and maliciously setting on Fire or causing to be set on Fire any Mine, Pit, or Delph of Coal, or Cannel Coal. 10 G. 2. c. 32. s. 4.

*§ 2. Drowning Coal Mines.*

The Statute 13 G. 2. c. 21. intituled “An Act for *further* and more effectually preventing the wilful and malicious Destruction of Collieries and Coal Works,” reciting that divers evil-disposed persons possessed of or interested in Collieries, have, by secret and subtil devices, wilfully and maliciously attempted to drown adjacent Collieries, and have by means of Water conveyed or obstructed for that purpose destroyed or damaged the same, intending thereby to enhance the Price of Coals, and gain the Monopoly thereof; and then reciting the Act 10 G. 2. c. 32. whereby the wilfully and maliciously setting on *Fire* any such Mine, &c. is made a Capital Felony; and that whereas it is reasonable that an adequate Punishment should likewise be inflicted on persons who shall wilfully and maliciously destroy or damage Collieries by means of Water as is aforesaid; and then enacts, that if any person from and after 24 June 1740, shall unlawfully, wilfully, and maliciously divert or cause to be diverted Water from any River, Brook,

Persons drowning Coal-pits, or making cavities with intent to

Watercourse, Channel, or Land Flood, or convey or cause to be conveyed Water into any Coal Work, Mine, Pit, or Delph of Coal, or into any subterraneous Cavities or Passages, or make or cause to be made any subterraneous Cavities or Passages with design thereby to destroy or damage any Coal Work, Mine, Pit, or Delph of Coal belonging to any other person or persons, or shall for that purpose unlawfully, wilfully, and maliciously destroy or obstruct any Sough or Sewer (which has been a Sough or Sewer in common for Fifty Years), made for draining any Coal Work, Mine, Pit, or Delph of Coal, or shall attempt or continue any such mischievous practice, or shall aid or assist therein in manner aforesaid, every such person shall, for every such Offence, forfeit and pay to the party or parties aggrieved Treble Damages and full Costs of Suit, to be sued for and recovered by Action of Debt, Bill, Plaint, or Information in any of his Majesty's Courts of Record at Westminster.

damage coal-works, or obstructing any ancient sough of water, or aiding therein, shall pay treble damages and full costs.

Provided always, that nothing in this Act contained shall prevent or restrain, or be construed to prevent or restrain, any person or persons, being the Owner or Owners of any Sough, Drain, or Sewer, from destroying, obstructing, or diverting, using or disposing of any such Sough, Drain, or Sewer, in such manner as he, she, or they respectively may now lawfully do. s. 2.

Exception in favour of owners of soughs.

§ 3. *Setting Fire to or otherwise destroying or damaging the Works, Railways, &c. belonging to any Mines, or unlawfully digging or raising Minerals from any Mine.*

For the more effectually preventing the destroying of Engines for draining Collieries, Coal Mines, and other Mines and Bridges and Waggon Ways used in conveying Coals, Lead, and other Minerals from thence; be it enacted, that if any person or persons shall at any time after 1 July 1769, wilfully or maliciously set fire to, burn, demolish, pull down, or otherwise destroy or damage any Fire Engine or other Engine erected or to be erected for draining Water from Collieries or Coal Mines, or for drawing Coals out of the same, or for draining Water from any Mine of Lead, Tin, Copper, or other Mineral, or any Bridge, Waggonway, or Trunk, erected or to be erected for conveying Coals from any Colliery or Coal Mine, or Smith for depositing the same, or any Bridge or Waggonway erected or to be erected for conveying Lead, Tin, Copper, or other Mineral from any such Mine; every such person, being lawfully convicted of any or either of the said several Offences, or of causing or procuring the same to be done, shall be adjudged guilty of

Persons maliciously setting fire, or otherwise destroying any works belonging to coal and other mines.

shall be guilty of felony.

Felony, and shall be subject to the like Pains and Penalties as in cases of Felony; and the Court by or before whom such person shall be tried, shall have Power and Authority to transport such Felon for the term of Seven Years, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm. 9 G. 3. c. 29. s. 3.

By s. 4. no person or persons shall be prosecuted by virtue of this Act for any Offence or Offences committed contrary to the same, unless such Prosecution be commenced within Eighteen Months after the Offence committed.

Persons maliciously pulling down or filling up any air way, &c. or damaging any road to or from any mine, &c. or digging &c. any Mineral, declared guilty of a misdemeanor, and liable to six months imprisonment.

The Statute 39, 40 G. 3. c. 77. intituled "An Act for the Security of Collieries and Mines," recites that from the situation of the Veins and Mines of Coal and Iron stone in many parts of the Kingdom, the same are greatly exposed to the Depredations of wicked and evil disposed persons, and the Laws now in being are inadequate to the Protection thereof; and enacts, that if any person or persons shall at any time after 1 September 1800 wilfully and maliciously pull down, fill up, or begin or attempt to pull down or fill up any Airway, Waterway, Drain, Pit, Level, or Shaft, or damage or destroy any Railway, Tram Road, or other Road leading to or from, or intended to lead to or from any Coal or other Mine Work; or if any person or persons (not having or *bonâ fide* claiming a right to possess or work the same respectively) shall from and after the time above mentioned wilfully and unlawfully cut, dig, raise, take, or carry away any Coal, Culm, or other Mineral from any Bed, Band, Vein, or Mine, lying and being in any waste, open, or uninclosed Lands, or shall wilfully and unlawfully enter into any Level, Pit, or Shaft, with an intent to dig, cut, raise, take, or carry away therefrom any Coal, Culm, or other Mineral, or shall aid, abet, assist, hire, or command any person or persons to commit any such Offence or Offences as aforesaid; that then and in every such Case, all and every such person or persons shall be deemed and adjudged to be guilty of a Misdemeanor, and the Court or Judge before whom any such person or persons shall be tried and convicted shall have Power and Authority to cause such person or persons to be imprisoned for any term not exceeding Six Months. Nothing in this Act contained shall be construed to extend to any Trespass or Damage which shall be done or committed under ground by any Owner of any adjoining Coal or other Mine in working the same, or by any person or persons duly authorized and employed in such working as aforesaid. s. 2.

By s. 9. the Prosecution must be begun within Nine Calendar Months after the Offence committed.



The Statute 56 G. 3. c. 125. intituled "An Act for the more effectual punishment of persons riotously destroying or damaging Buildings, Engines, and Machinery, used in and about Collieries and other Mines, Waggonways, Bridges, and other Works, used in conveying and shipping Coals and other Minerals; and for enabling the Owners of such Property to recover damages for the injury sustained," recites the passing of the Statutes 1 G. 1. st. 2. c. 5., 9 G. 3. c. 29., & 52 G. 3. c. 130., (1) and that "it is expedient and necessary that more effectual Provisions should be made for the protection of Property not within the provisions of the said Acts;" and then enacts, that if after the passing of this Act, any person or persons unlawfully, riotously, and tumultuously assembled together in disturbance of the Public Peace, shall unlawfully and with Force demolish, pull down, destroy, or damage, or begin to demolish, pull down, destroy, or damage any Fire Engine or other Engine, erected or to be erected for making, sinking, or working Collieries, Coal Mines or other Mines, or any Bridge, Waggonway, or Trunk erected or made, or to be erected or made for conveying Coals or other Minerals from any Colliery, Coal Mine or other Mine, to any Place, or for shipping the same, or any Staith or other Erection or Building for depositing Coals or other Minerals, or used in the Management or conducting of the Business of any such Colliery, Coal Mine or other Mine, whether the same Engines, Bridges, Waggonways, Trunks, Staiths, Erections, and other Buildings or Works shall be respectively completed and finished, or only begun to be set up, made, and erected, that then every such demolishing, pulling down, destroying, and damaging, or beginning to demolish, pull down, destroy, and damage, shall be adjudged Felony without Benefit of Clergy; and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. s. 1.

Persons riotously demolishing or destroying engines, erections, or other works, belonging to collieries, coal or other mines, declared guilty of felony, without benefit of clergy.

The person or persons injured or damnified by such demolishing, pulling down, destroying, or damaging, or beginning to demolish, pull down, destroy, or damage any such Property herein-before specified, shall be entitled to and may and are hereby empowered to recover the value of such property herein-before specified, so demolished, pulled down, destroyed, or damaged as aforesaid, or the amount of the damage done to the same as aforesaid; and such value or damage shall and may be recovered, levied, raised, and reimbursed in such Manner and Form, and by such Ways and Means as are particularly pro-

Persons injured may recover the value of the property destroyed, under 1 G. 1. st. 2. c. 5.

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(1) See this Act under title **MANUFACTORIES** and **MANUFACTURES**, II.



vided, directed, or referred to in the said recited Act of the First Year of the Reign of his late Majesty King George the First, in respect of the several descriptions of Buildings therein mentioned. s. 2.

Owners of engines and works, &c. injured shall give notice of the fact within a certain time.

Provided always, that whenever any person or number of persons shall so unlawfully assemble together in disturbance of the Public Peace as aforesaid, the person or persons who is or are the Owner or Proprietor or Owners or Proprietors of any of the Engines, Works, Buildings, or other Property herein-before particularly specified, shall, as soon as conveniently may be after such unlawful Assembly shall take place, by himself or themselves, or by his or their servants, give or cause to be given due notice and information of such Assembly having taken place, to some or one of the nearest Magistrates, and to the Constable or some one of the resident Housekeepers of the Towns, Villages, or Hamlets near to the Place where any such Assembly shall take place; and that no person or persons shall be enabled to recover any damages by virtue of this Act, unless he or they shall have given such notice and information as aforesaid, by himself or themselves, or by his or their servants, within Two Days after such damage or injury done him or them by any such offender or offenders as aforesaid, shall give notice of such offence done and committed, unto some of the inhabitants of some Town, Village, or Hamlet near unto the Place where any such fact shall be committed; and shall within Four Days after such notice give in his, her, or their examination upon oath, or the examination upon oath of his, her, or their servant or servants, that had the care of his, her, or their Property herein-before specified, so destroyed or damaged as aforesaid, before any Justice of the Peace of the County, Liberty, or Division where such fact shall be committed, inhabiting within the said Hundred where the said fact shall happen to be committed, or near unto the same, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such examination it be confessed that he or they do know the person or persons that committed the said fact, or any of them, that then he or they so confessing, shall be bound by recognizance to prosecute such offender or offenders, by indictment or otherwise, according to the law of this realm: Provided also, that no person who shall sustain any damage by reason of any offence to be committed by any offender contrary to this Act, shall be thereby enabled to sue or bring any action against any inhabitants of any Hundred where such offence shall be committed, except the party or parties sustaining such damage shall com-

Examination upon oath shall be taken before a Justice within four days as to a knowledge of the offenders.

Action for damages shall be brought within a year.

mence his or their action or suit within One Year next after such offence shall be committed: Provided nevertheless, that the notice hereby required may and shall be given in *Scotland* to the Sheriff or Stewart Depute or Substitute of the County or Stewartry where such fact shall happen to be committed, in order that such measures may be taken as the law of *Scotland* prescribes in such cases. s. 3.

In *Scotland*, notice shall be given to the Sheriff or Stewart Depute.

§ 4. *In whom the Property stolen from Mines shall be laid to be.*

The Statute 56 G. 3. c. 73. intituled "An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines," recites that "the Minerals, and the Timber, Iron, and other Materials used in or for the working of Mines, are much exposed to Depredation;" and that "great Difficulties have been experienced in prosecuting to Conviction and bringing to Justice persons who have stolen such Property, by reason of the rule of Law which at present prevails throughout that part of Great Britain called England, for setting forth in Indictments for Larceny the names of all the persons who may be the Owners of or are interested in the Property stolen;" and that "the identity of such Property may be ascertained and described as effectually by averring the same in such Indictment to be the Property of some one or more of the Partners in such Mining Concerns, and others his or their Partners or Co-adventurers, without naming such other Partners or Co-adventurers;" and then enacts, that from and after the passing of this Act it shall and may be lawful, and shall be deemed sufficient to all intents and purposes whatsoever, for the Conviction of any Offender or Offenders charged in any Indictment with Grand or Petty Larceny for or on account of stealing any Minerals, or any Timber, Iron, or other Materials used in or for the working of Mines, being the Personal Property of any Company or Adventurers carrying on the same, to alledge and aver that the Minerals, Timber, Iron, or other Materials so stolen, are the Property of some one or more of the Partners or Adventurers in such Mining Concern, and others his or their Partners or Co-Adventurers, without naming such other Partners or Co-Adventurers; and that such form of describing the Property stolen from such Company or Adventurers shall be to all intents and purposes whatsoever as valid and effectual in Law as if the same were averred to be the Property of all the Owners thereof, and as if the Names of all such Owners were particularly and distinctly set forth in such Indictment; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

In Indictments for stealing minerals, &c. from mines, the ownership may be laid to be in one person or more, and his or their partners or co-adventurers.

## Mute.

To stand mute,  
&c. upon arraignment for felony,  
shall amount to  
a conviction.

“ For the more effectual proceeding against persons standing Mute on their Arraignment for Felony or Piracy,” be it enacted, that if any person from and after the passing of this Act, being arraigned on any Indictment or Appeal for Felony, or on any Indictment for Piracy, shall upon such Arraignment stand Mute, or will not answer directly to the Felony or Piracy, such person so standing Mute as aforesaid shall be convicted of the Felony or Piracy charged in such Indictment or Appeal, and the Court before whom he shall be so arraigned, shall thereupon award Judgment and Execution against such person in the same manner as if such person had been convicted by Verdict or Confession of the Felony or Piracy charged in such Indictment or Appeal; and such Judgment shall have all the same consequences in every such respect as if such person had been convicted by Verdict or Confession of such Felony or Piracy, and Judgment had been thereupon awarded. 12 G. 3. c. 20. s. 1.

The provisions of this Act shall extend to his Majesty's Colonies and Plantations in America. s. 2.

## Natural-born Subjects.

Recital of  
7 Ann. c. 5. and

10 Ann. c. 5.

Children of natural-born subjects, born out of the allegiance

By the Statute 4 G. 2. c. 21. intituled “ An Act to explain a Clause in an Act [7 Ann. c. 5.] which relates to the Children of the natural-born Subjects of the Crown of England, or of Great Britain;” reciting that whereas by an Act of Parliament made in the Seventh Year of the Reign of Queen Anne [7 Ann. c. 5.] it is (amongst other things) enacted, that the Children of all natural-born Subjects, born out of the Ligeance of her said late Majesty, her Heirs and Successors, should be deemed, adjudged, and taken to be natural-born Subjects of this kingdom to all intents, constructions, and purposes whatsoever; and that whereas in the Tenth Year of her said late Majesty's Reign, another Act was made and passed, to repeal the said Act (except what related to the Children of her Majesty's natural-born Subjects born out of her Majesty's Allegiance); and whereas some doubts have arisen upon the construction of the said recited Clause in the said Act of the Seventh Year of her late Majesty's Reign: Now, for the explaining the said recited Clause in the said Act, relating to Children of Natural-born Subjects, and to prevent any disputes touching the true intent and meaning thereof, be it declared and enacted, that all Children born out of the Ligeance of the Crown of England, or of Great Britain, or which shall hereafter be born out of such

Ligeance, whose fathers were or shall be natural-born Subjects of the Crown of England, or of Great Britain, at the time of the Birth of such Children respectively, shall and may, by virtue of the said recited Clause [s. 3.] in the said Act of the Seventh Year of the Reign of her said late Majesty, and of this present Act, be adjudged and taken to be, and all such Children are hereby declared to be natural-born Subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever. s. 1.

of the crown,  
declared to be  
natural-born  
subjects.

Provided always, and be it further declared and enacted, that nothing in the said recited Act of the Seventh Year of her said late Majesty's Reign, or in this present Act contained, did, doth, or shall extend, or ought to be construed, adjudged, or taken to extend, to make any Children born or to be born out of the Ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born Subjects of the Crown of England, or of Great Britain, whose Fathers at the time of the Birth of such Children respectively were or shall be attainted of High Treason, by Judgment, Outlawry, or otherwise, either in this Kingdom or in Ireland, or whose Fathers at the time of the Birth of such Children respectively, by any Law or Laws made in this Kingdom or in Ireland, were or shall be liable to the Penalties of High Treason or Felony, in case of their returning into this Kingdom or into Ireland without the Licence of his Majesty, his Heirs or Successors, or of any of his Majesty's Royal Predecessors, or whose Fathers, at the time of the Birth of such Children respectively, were or shall be in the actual Service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain; but that all such Children are, were, and shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in if the said Act of the Seventh Year of her said late Majesty's Reign, or this present Act, had never been made; any thing herein, or in the said Act of the Seventh Year of her said late Majesty's Reign contained, to the contrary in anywise notwithstanding. s. 2.

Not to extend  
to the issue of  
persons attainted  
of treason,

or in actual ser-  
vice of foreign  
princes in enmity  
with the crown.

Provided always, and be it further enacted, that if any Child, whose Father at the time of the Birth of such Child was attainted of High Treason as aforesaid, or was liable to the Penalties of High Treason or Felony, in case of returning into this Kingdom or Ireland without Licence as aforesaid, or was in the actual Service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain (other than

Act not to ex-  
tend to certain  
persons.

and excepting always out of this proviso, all Children of such persons who went out of Ireland in pursuance of the Articles of Limerick), hath come into Great Britain or Ireland, or any other of the Dominions belonging to the Crown of Great Britain, and hath continued to reside within Great Britain or Ireland, or other the Dominions aforesaid for the space of Two Years, at any time between the 16th November 1708, and the 25th March 1731, and during such Residence hath professed the Protestant Religion; or if any Child, whose Father, at the time of his or her Birth, was within any of the descriptions before mentioned, hath come into Great Britain or Ireland, or any other of the Dominions belonging to the Crown of Great Britain, and professed the Protestant Religion, and died within Great Britain or Ireland, or any other of the Dominions aforesaid, at any time between the said 16th November 1708, and the said 25th March 1731; or if any Child, whose Father, at the time of his or her Birth, was within any of the descriptions before mentioned, hath been and continued in the actual possession or receipt of the Rents and Profits of any Lands, Tenements, or Hereditaments in Great Britain or Ireland, for the space of One whole Year, at any time between the said 16th November 1708, and the 25th March 1731, or hath bona fide, and for good and valuable consideration, sold, conveyed, or settled any Lands, Tenements, or Hereditaments in Great Britain or Ireland, and any person claiming title thereto under such Sale, Conveyance, or Settlement, hath been and continued in the actual possession or receipt of the Rents and Profits thereof, for the space of Six Months, between the said 16th November 1708, and the said 25th March 1731, every such Child shall be deemed, and adjudged, and taken to be, and to have been a natural-born Subject of the Crown of England, or of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever; any thing herein contained to the contrary thereof in anywise notwithstanding. 4 G. 2. c. 21. s. 3.

The benefits of 4 G. 2. c. 21. extended to the children of the persons therein mentioned.

The Stat. 13 G. 3. c. 21. enacts, that all persons born or who hereafter shall be born out of Ligeance of the Crown of England, or of Great Britain, whose Fathers were or shall be by virtue of a Statute [4 G. 2. c. 21.] entitled to all the rights and privileges of natural-born subjects of the Crown of England or of Great Britain, shall and may be adjudged and taken to be, and are hereby declared and enacted to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in

this Kingdom; any thing contained in 12, 13 W. 3. c. 2. to the contrary in anywise notwithstanding.

Nothing in this Act contained shall extend, or be construed, adjudged, or taken to extend, to make any persons born or to be born out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of Great Britain contrary to all or any of the Provisoos, Exceptions, Limitations, and Restrictions contained in the said Act [4 G. 2. c. 21.,] or to repeal, abridge, or alter the same; but all such Clauses shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this Act had never been made. s. 2.

This Act not to alter 4 G. 2. c. 21.

Provided always, that no person shall be enabled hereby to defeat any Estate, Right, or Interest, which upon the last day of this Session shall be lawfully vested in any other person, or to claim or demand any Estate or Interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue. s. 4.

Not to defeat any estate unless claim be made within five years.

## **Navy.**

- I. *The Articles of the Navy, and as to Naval Courts Martial.*
  - i. *The Articles of the Navy.*
  - ii. *As to Naval Courts Martial.*
- II. *Regulations for preventing Disturbances by Seamen and others in the Dock Yards, &c. and on Pay Days.*

### **I. i. *The Articles of the Navy.***

The Statute 22 G. 2. c. 23. intituled "An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," recites that "the several Laws relating to the Sea Service, made at different Times and on different Occasions, have been found by Experience not to be so full, so clear, so expedient, or consistent with each other, as they ought to be;" and then for "amending and explaining the said Laws, and for reducing them into one uniform Act of Parliament," it is enacted, that from and after the 25th Dec. 1749, the Stat. 13 Car. 2. c. 9. so much of 2 W. & M. c. 2. as relates to the Oath to be taken by Members of Courts Martial, and so much of 6 G. 1. c. 19, as relates to the Trial and Punishment of Persons committing the Offences therein mentioned on the Shore, and so much of 8 G. 1. c. 24. (s. 8.) as directs the



Punishment to be inflicted by a Court Martial upon any Captain, &c. of any Ship of War, receiving, &c. on board any Goods, &c. in order to trade with the same (except the Goods, &c. excepted therein), and the Statutes 18 G. 2. c. 35. and 21 G. 2. c. 11. shall be and are hereby repealed.

And for the regulating and better Government of his Majesty's Navies, Ships of War, and Forces by Sea, whereon, under the good Providence of God, the Wealth, Safety, and Strength of this Kingdom chiefly depend, be it enacted, that from and after 25th Dec. 1749, the Articles and Orders herein-after following, as well in Time of Peace as in Time of War, shall be duly observed and put in Execution, in manner herein-after mentioned. 22 G. 2. c. 33. s. 2.

The following shall be the articles of the navy.

Public worship to be performed on board ship.

1. All Commanders, Captains, and Officers, in or belonging to any of his Majesty's Ships or Vessels of War, shall cause the public Worship of Almighty God, according to the Liturgy of the Church of England established by Law, to be solemnly, orderly, and reverently performed in their respective Ships, and shall take care that Prayers and Preaching, by the Chaplains in Holy Orders of the respective Ships, be performed dilligently ; and that the Lord's Day be observed according to Law.

Swearing, cursing, uncleanness, and drunkenness.

2. All Flag Officers, and all Persons in or belonging to his Majesty's Ships or Vessels of War, being guilty of Prophan Oaths, Cursings, Execrations, Drunkenness, Uncleanness, or other Scandalous Actions, in Derogation of God's Honour, and Corruption of good Manners, shall incur such Punishment as a Court Martial shall think fit to impose, and as the Nature and Degree of their Offence shall deserve.

Holding correspondence with enemies.

3. If any Officer, Mariner, Soldier, or other Person of the Fleet, shall give, hold, or entertain Intelligence to or with any Enemy or Rebel, without Leave from the King's Majesty, or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, Commander in Chief, or his Commanding Officer, every such Person so offending, and being thereof convicted by the Sentence of a Court Martial, shall be punished with Death.

Concealing the receipt of any seducing letter or message sent from an enemy.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Mariner, or Soldier, or other in the Fleet, and the said Officer, Mariner, Soldier, or other as aforesaid, shall not within Twelve Hours, having Opportunity so to do, acquaint his superior Officer, or the Officer commanding in Chief, with it ; or if any superior Officer being acquainted therewith, shall not in convenient Time reveal the same to the Commander in Chief of the Squadron ; every such Person so offend-



ing, and being convicted thereof by the Sentence of the Court-martial, shall be punished with Death, or such other Punishment as the nature and degree of the Offence shall deserve, and the Court-martial shall impose.

5. All Spies, and all Persons whatsoever who shall come, or Spies. be found, in the nature of Spies, to bring or deliver any seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Captain, Officer, Mariner, or other in the Fleet, to betray his Trust, being convicted of any such Offence by the Sentence of the Court-martial, shall be punished with Death, or such other Punishment as the nature and degree of the Offence shall deserve, and the Court-martial shall impose.

6. No Person in the Fleet shall relieve an Enemy or Rebel with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other Supplies whatsoever, directly or indirectly, upon pain of Death, or such other Punishment as the Court-martial shall think fit to impose, and as the nature and degree of the Crime shall deserve. Relieving an enemy.

7. All the Papers, Charter Parties, Bills of Lading, Passports, and other Writings whatsoever, that shall be taken, seized, or found aboard any Ship or Ships which shall be surprized or taken as Prize, shall be duly preserved, and the very Originals shall, by the Commanding Officer of the Ship which shall take such Prize, be sent entirely, and without Fraud, to the Court of Admiralty or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful Capture, there to be viewed, made use of, and proceeded upon according to Law; upon pain that every Person offending herein shall forfeit and lose his Share of the Capture, and shall suffer such further Punishment as the nature and degree of his Offence shall be found to deserve, and the Court-martial shall impose. All papers found aboard prize ships shall be sent to the Court of Admiralty, &c.

8. No person in or belonging to the Fleet shall take out of any Prize, or Ship seized for Prize, any Money, Plate, or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of his Majesty's Ships or Vessels of War, before the same be adjudged lawful Prize in some Admiralty Court; but the full and entire Account of the whole, without Embezzlement, shall be brought in, and Judgement passed entirely upon the whole, without Fraud, upon pain that every Person offending herein shall forfeit and lose his Share of the Capture, and suffer such further Punishment as shall be im- Taking money or other effects out of any prize.

posed by a Court-martial, or such Court of Admiralty, according to the nature and degree of the Offence.

Stripping or ill-using persons taken on board a prize.

9. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners, or other Persons on board her, shall be stripped of their Cloaths, or in any sort pillaged, beaten, or evil-intreated, upon pain that the person or persons so offending, shall be liable to such Punishment as a Court-martial shall think fit to inflict.

Officers not preparing for fight, and encouraging the men in time of action.

10. Every Flag Officer, Captain, and Commander in the Fleet, who, upon Signal or Order of Fight, or Sight of any Ship or Ships which it may be his duty to engage, or who, upon likelihood of Engagement, shall not make the necessary preparations for Fight, and shall not in his own person, and according to his place, encourage the inferior Officers and Men to fight courageously, shall suffer Death, or such other Punishment as from the nature and degree of the Offence a Court-martial shall deem him to deserve; and if any person in the Fleet shall treacherously or cowardly yield or cry for Quarter, every person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.

Disobeying the orders of the commanding officer in time of action, &c.

11. Every person in the Fleet, who shall not duly observe the Orders of the Admiral, Flag Officer, Commander of any Squadron or Division, or other his superior Officer, for assailing, joining Battle with, or making Defence against any Fleet, Squadron, or Ship, or shall not obey the Orders of his superior Officer as aforesaid in time of Action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending, and being convicted thereof by the Sentence of the Court-martial, shall suffer Death, or such other Punishment as from the nature and degree of the Offence a Court-martial shall deem him to deserve.

Cowardice, negligence, or disaffection in time of action.

12. Every person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall in time of Action withdraw or keep back, or not come into the Fight or Engagement, or shall not do his utmost to take or destroy every Ship which it shall be his duty to engage, and to assist and relieve all and every of his Majesty's Ships, or those of his Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.

Not pursuing the enemy, and of not assisting a friend in view.

13. Every person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall forbear to pursue the Chace of any Enemy, Pirate, or Rebel, beaten or flying, or shall not re-

lieve and assist a known Friend in View to the utmost of his power, being convicted of any such Offence by the Sentence of a Court-martial, shall suffer Death.

By s. 3. of 19 G. 3. c. 17. reciting the last two Articles (12 and 13), and that "the restraining of the Power of the Court-martial to the inflicting of the punishment of Death in the several cases recited in the said clauses may be attended with great Hardship and Inconvenience," enacts, that from and after the passing of this Act it shall and may be lawful, in the several cases recited in the said clauses, for the Court-martial to pronounce Sentence of Death, or to inflict such other Punishment as the nature and degree of the Offence shall be found to deserve.

14. If when Action, or any Service shall be commanded, any person in the Fleet shall presume to delay or discourage the said Action or Service, upon pretence of Arrears of Wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the Sentence of the Court-martial, shall suffer Death, or such other Punishment as from the nature and degree of the Offence a Court-martial shall deem him to deserve.

Delaying or discouraging the service, on account of arrears of wages, or other pretence.

15. Every person in or belonging to the Fleet who shall desert to the Enemy, Pirate, or Rebel, or run away with any of his Majesty's Ships or Vessels of War, or any Ordnance, Ammunition, Stores, or Provision belonging thereto, to the weakening of the Service, or yield up the same cowardly or treacherously to the Enemy, Pirate, or Rebel, being convicted of any such Offence by the Sentence of the Court-martial, shall suffer Death.

Deserting to the enemy, or running away with any ship, or stores.

16. Every person in or belonging to the Fleet, who shall desert, or entice others so to do, shall suffer Death, or such other Punishment as the circumstances of the Offence shall deserve, and a Court-martial shall judge fit; and if any Commanding Officer of any of his Majesty's Ships or Vessels of War shall receive or entertain a Deserter from any other of his Majesty's Ships or Vessels, after discovering him to be such Deserter, and shall not with all convenient speed give Notice to the Captain of the Ship or Vessel to which such Deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Secretary of the Admiralty, or to the Commander in Chief; every person so offending, and being convicted thereof by the Sentence of the Court-martial, shall be cashiered.

Deserting, or enticing others so to do;

or entertaining a deserter, without giving notice to the captain to whose vessel he belongs.

17. The Officers and Seamen of all Ships appointed for Convoy and Guard of Merchant Ships, or of any other, shall diligently attend upon that Charge without delay, according to their

Not guarding and defending ships under convoy.

Instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships and Goods in their Convoy, without either diverting to other Parts or Occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly and submitting the Ships in their Convoy to peril or hazard; or shall demand or exact any Money or other Reward from any Merchant or Master for convoying of any Ships or Vessels intrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make Reparation of the Damage to the Merchants, Owners, and others, as the Court of Admiralty shall adjudge, and also be punished criminally according to the Quality of their Offences, be it by Pains of Death or other Punishment, according as shall be adjudged fit by the Court-martial.

Taking goods on board, other than for the use of the vessel, except gold, silver, jewels, &c.

18. If any Captain, Commander, or other Officer of any of his Majesty's Ships or Vessels, shall receive on board, or permit to be received on board such Ship or Vessel, any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be shipwrecked or in imminent danger of being shipwrecked, either on the High Seas, or in any Port, Creek, or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by Order of the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral for the time being; every person so offending, being convicted thereof by the Sentence of the Court-martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any Place or Office in the Naval Service of his Majesty, his Heirs and Successors. [See further on this subject post, s. 24.]

Making mutinous assemblies,

or uttering seditious or mutinous words,

or behaving contemptuously to a superior officer.

19. If any person in or belonging to the Fleet shall make or endeavour to make any mutinous Assembly upon any pretence whatsoever, every person offending herein, and being convicted thereof by the Sentence of the Court-martial, shall suffer Death; and if any person in or belonging to the Fleet shall utter any Words of Sedition or Mutiny, he shall suffer Death, or such other Punishment as a Court-martial shall deem him to deserve; and if any Officer, Mariner, or Soldier in or belonging to the Fleet, shall behave himself with contempt to his superior Officer, such superior Officer being in the Execution of his Office, he

shall be punished according to the nature of his Offence by the Judgment of a Court-martial.

20. If any person in the Fleet shall conceal any traiterous or mutinous Practice or Design, being convicted thereof by the Sentence of a Court-martial, he shall suffer Death, or such other Punishment as a Court martial shall think fit; and if any person in or belonging to the Fleet, shall conceal any traiterous or mutinous Words spoken by any, to the prejudice of his Majesty or Government, or any Words, Practice, or Design, tending to the hinderance of the Service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress the same, he shall be punished as a Court-martial shall think he deserves.

Concealing any traiterous or mutinous practice or design, or words or designs tending to the hinderance of the service.

21. If any person in the Fleet shall find Cause of Complaint of the Unwholesomeness of the Victual, or upon other just ground, he shall quietly make the same known to his Superior, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior, Captain, or Commander in Chief, shall, as far as he is able, cause the same to be presently remedied; and no person in the Fleet, upon any such or other pretence, shall attempt to stir up any Disturbance, upon pain of such Punishment as a Court-martial shall think fit to inflict, according to the degree of the Offence.

Endeavouring to stir up any disturbance on account of the unwholesomeness of the victual.

22. If any Officer, Mariner, Soldier, or other Person in the Fleet, shall strike any of his superior Officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever, every such person, being convicted of any such Offence by the sentence of a Court-martial, shall suffer Death; and if any Officer, Mariner, Soldier, or other Person in the Fleet, shall presume to quarrel with any of his superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his superior Officers; every such person, being convicted of any such Offence by the sentence of a Court-martial, shall suffer Death, or such other Punishment as shall, according to the nature and degree of his Offence, be inflicted upon him by the sentence of a Court-martial.

Striking, &c. a superior officer,

or quarrelling with, or disobeying his lawful commands,

23. If any person in the Fleet shall quarrel or fight with any other person in the Fleet, or use reproachful or provoking Speeches or Gestures, tending to make any Quarrel or Disturbance; he shall, upon being convicted thereof, suffer such

Quarrelling with any one, or using reproachful speech or gestures.

Punishment as the Offence shall deserve, and a Court-martial shall impose.

Wasting or embezzling the stores.

24. There shall be no wasteful expence of any Powder, Shot, Ammunition, or other Stores in the Fleet, nor any Embezzlement thereof, but the Stores and Provisions shall be carefully preserved, upon pain of such Punishment to be inflicted upon the Offenders, Abettors, Buyers, and Receivers (being persons subject to Naval Discipline), as shall be by a Court-martial found just in that behalf.

Burning, &c. magazine, &c. or vessel, &c. not belonging to an enemy.

25. Every person in the Fleet who shall unlawfully burn or set fire to any Magazine or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, or Tackle or Furniture thereunto belonging, not then appertaining to an Enemy, Pirate, or Rebel, being convicted of any such Offence by the Sentence of a Court-martial, shall suffer Death.

Neglect in the conducting and steering ships.

26. Care shall be taken in the conducting and steering of any of his Majesty's Ships, that through Wilfulness, Negligence, or other Defaults, no Ship be stranded, or run upon any Rocks or Sands, or split or hazarded, upon pain, that such as shall be found guilty therein be punished by Death, or such other Punishment as the Offence by a Court-martial shall be judged to deserve.

Sleeping on watch, and forsaking his station.

27. No person in or belonging to the Fleet shall sleep upon his Watch, or negligently perform the Duty imposed on him, or forsake his Station, upon pain of Death, or such other Punishment as a Court-martial shall think fit to impose, and as the circumstances of the case shall require.

Murder.

28. All murders committed by any person in the Fleet, shall be punished with Death by the Sentence of a Court-martial.

Buggery.

29. If any person in the Fleet shall commit the unnatural and detestable Sin of Buggery or Sodomy with man or beast, he shall be punished with Death by the Sentence of a Court-martial.

Robbery.

30. All Robbery committed by any person in the Fleet shall be punished with Death, or otherwise, as a Court-martial, upon consideration of circumstances, shall find meet.

Making or signing false musters.

31. Every Officer or other Person in the Fleet, who shall knowingly make or sign a false Muster or Muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other Person in the making or signing thereof, shall, upon proof of any such Offence being made before a Court-martial, be cashiered, and rendered incapable of further employment in his Majesty's Naval Service.

Refusing to apprehend criminals, or permit-

32. No Provost-martial belonging to the Fleet shall refuse to apprehend any Criminal, whom he shall be authorized by legal



Warrant to apprehend, or to receive or keep any Prisoner committed to his Charge, or wilfully suffer him to escape, being once in his Custody, or dismiss him without lawful Order, upon pain of such Punishment as a Court-martial shall deem him to deserve; and all Captains, Officers, and others in the Fleet, shall do their endeavour to detect, apprehend, and bring to Punishment all Offenders, and shall assist the Officers appointed for that purpose therein, upon pain of being proceeded against and punished by a Court-martial, according to the nature and degree of the Offence.

32. If any Flag Officer, Captain, or Commander, or Lieutenant, belonging to the Fleet, shall be convicted before a Court-martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the Character of an Officer, he shall be dismissed from his Majesty's Service.

34. Every person being in actual Service and full Pay, and part of the Crew in or belonging to any of his Majesty's Ships or Vessels of War, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful Command, in any part of his Majesty's Dominions on Shore, when in actual Service relative to the Fleet, shall be liable to be tried by a Court-martial, and suffer the like Punishment for every such Offence as if the same had been committed at Sea on board any of his Majesty's Ships or Vessels of War.

35. If any person who shall be in actual Service and full Pay in his Majesty's Ships and Vessels of War, shall commit upon the Shore in any place or places out of his Majesty's Dominions any of the Crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner, to all intents and purposes, as if the said Crimes had been committed at Sea, on board any of his Majesty's Ships or Vessels of War.

36. All other Crimes not Capital committed by any person or persons in the Fleet, which are not mentioned in this Act, or for which no Punishment is hereby directed to be inflicted, shall be punished according to the Laws and Customs in such Cases used at Sea.

Provided always, that no person convicted of any Offence shall, by the Sentence of any Court-martial to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of Two Years. 22 G. 2. c. 33. s. 3.

Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court-martial, to be

ting them to escape.

Scandalous, oppressive, or fraudulent, &c. behaviour of officers.

Mutiny, desertion, or disobedience, of persons in actual service and full pay, on shore.

Persons in actual service and full pay, committing on shore any of the crimes punishable by these articles.

All other crimes not capital, &c. to be punished according to the custom of the navy.

No sentence of imprisonment to be for a longer term than two years.

Court-martial not to try any offences,



except those specified in the 5th, 34th & 35th articles, which shall not be committed within the jurisdiction of the Admiralty.

No land officer, or soldier, on board any transport ship, to be tried for any of the said offences by a naval court-martial.

The Lords of the Admiralty empowered to grant commissions to the commander in chief for holding courts-martial.

The commander in chief dying, recalled, or removed, the next in command empowered to hold courts-martial.

The officer next in command to the commander in chief, where there are more than five ships,

constituted by virtue of this Act, to proceed to the Punishment or Trial of any of the Offences specified in the several Articles contained in this Act, or of any Offence whatsoever (other than the Offences specified in the Fifth, Thirty-fourth, and Thirty-fifth of the foregoing Articles and Orders), which shall not be committed upon the main Sea, or in great Rivers only, beneath the Bridges of the said Rivers nigh to the Sea, or in any Haven, River, or Creek within the Jurisdiction of the Admiralty, and which shall not be committed by such persons as at the time of the Offence committed shall be in actual Service and full Pay in the Fleet or Ships of War of his Majesty, his Heirs or Successors, such persons only excepted and for such Offences only as are described in the Fifth of the foregoing Articles and Orders. 22 G. 2. c. 33. s. 4.

Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court-martial, to be constituted by virtue of this Act, to proceed to the Punishment or Trial of any Land Officer or Soldier on board any Transport Ship, for any of the Offences specified in the several Articles contained in this Act. s. 5.

And it is hereby further enacted, that from and after the 25th December 1749, the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, shall have full power and authority to grant Commissions to any Officer commanding in Chief any Fleet or Squadron of Ships of War, to call and assemble Courts-martial, consisting of Commanders and Captains; and that in case any Officer commanding in Chief any Fleet or Squadron of Ships of War (who shall be authorized by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the time being, to call and assemble Courts-martial in Foreign Parts) shall happen to die, or be recalled, or removed from his Command, then the Officer upon whom the Command of the said Fleet or Squadron shall devolve, and so from time to time the Officer who shall have the Command of the said Fleet or Squadron, shall have the same power to call and assemble Courts-martial, as the first Commander in Chief of the said Fleet or Squadron was invested with. s. 6.

Provided always, and it is hereby enacted and *declared*, that no Commander in Chief of any Fleet or Squadron of his Majesty's Ships, or Detachment thereof, consisting of more than Five Ships, shall preside at any Court-martial in Foreign Parts,

but that the Officer next in Command to such Officer commanding in Chief, shall hold such Court-martial, and preside thereat; any Law, Custom, or Usage to the contrary notwithstanding. 22 G. 2. c. 33. s. 7.

From and after 25 December 1749, in case any Commander in Chief of any Fleet or Squadron of his Majesty's Ships or Vessels of War in Foreign Parts, shall detach any part of such Fleet or Squadron, every Commander in Chief shall, and he is hereby authorized and required, by Writing under his Hand, to empower the Chief Commander of the Squadron or Detachment so ordered on such separate Service (and in case of his Death or Removal, the Officer to whom the Command of such separate Squadron or Detachment shall belong), to hold Courts-martial, during the time of such separate Service, or until the Commander of the said Detachment for the time being shall return to his Commander in Chief, or shall come under the Command of any other his superior Officer, or return to Great Britain or Ireland. s. 8.

Provided always, that if any Five or more of his Majesty's Ships or Vessels of War shall happen to meet together in Foreign Parts, then and in such case it shall be lawful for the senior Officer of the said Ships or Vessels to hold Courts-martial, and preside thereat from time to time as there shall be occasion, during so long time as the said Ships or Vessels of War, or any Five or more of them, shall continue together. s. 9.

Provided nevertheless, that where any material Objection occurs, which may render it improper for the person who is next in Command to the senior Officer or Commander in Chief of any Fleet or Squadron of his Majesty's Ships of War in Foreign Parts to hold Courts-martial, or preside thereat, in such case it shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the time being, as also the Commander in Chief of any such Fleet or Squadron of his Majesty's Ships in Foreign Parts respectively, to appoint the Third Officer in Command to preside at or hold such Court-martial. s. 10.

From and after 25 December 1749, it shall be lawful for the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral for the time being, and they are hereby respectively authorized from time to time, as there shall be occasion, to direct any Flag Officer or Captain of any of his Majesty's Ships of War who shall be in any Port

to preside at courts-martial held in foreign parts.

Commanders in chief to empower the commanders of a squadron ordered on separate service, to hold courts-martial.

If five or more ships shall meet in foreign parts, the senior officer to hold courts-martial, and preside thereat.

Where it shall be improper for the person next in command to the senior officer to hold courts-martial in foreign parts, the third officer in command to preside.

The Lords of the Admiralty empowered to appoint officers in the ports of Great Britain or Ireland, to hold courts-martial.

of Great Britain or Ireland, to hold Courts-martial in any such Port, provided such Flag Officer or Captain be the First, Second, or Third in Command in such Port, as shall be found most expedient, and for the good of his Majesty's Service; and such Flag Officer or Captain so directed to hold Courts-martial, shall preside at such Court-martial; any thing herein contained to the contrary notwithstanding. 22 G. 2. c. 33. s. 11.

Of what numbers a court-martial shall consist.

From and after 25th December 1749, no Court-martial to be held or appointed by virtue of this present Act, shall consist of more than Thirteen or of less than Five Persons, to be composed of such Flag Officers, Captains, or Commanders then and there present, as are next in Seniority to the Officer who presides at the Court-martial. s. 12.

The Lords of the Admiralty or officer appointed to hold courts-martial, not to direct the particular number of persons of which the court is to consist.

Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or any Officer empowered to order or hold Courts-martial, to direct or ascertain the particular Number of persons of which any Court-martial, to be held or appointed by virtue of this present Act, shall consist. s. 13.

Where there are but three of the rank of post captains, the president is to call in as many commanders under that rank as will make five in the whole to hold the court-martial.

Provided always, that in case any Court-martial shall by virtue of this Act be appointed to be held at any Place where there are not less than Three, nor yet so many as Five Officers of the Degree and Denomination of a Post Captain, or of a superior Rank, to be found, then it shall be lawful for the Officer at the Place appointed for holding such Court-martial, who is to preside at the same, to call to his assistance as many of the Commanders of his Majesty's Vessels, under the Rank and Degree of a Post Captain, as, together with the Post Captains then and there present, will make up the Number of Five, to hold such Court-martial. s. 14.

By s. 15. no Member of the Court shall go on shore after the commencement of any Trial, till Sentence be given, on pain of being cashiered; nor shall the Proceedings of the Court be delayed by the Absence of any of its Members, if a sufficient number remain to compose the Court. This Section is repealed by Stat. 19 G. 3. c. 17. s. 1. And by the Second Section of this latter Act, the Proceedings of any Court-martial shall not be delayed by the absence of any of its Members, provided a sufficient Number doth remain to compose such Court, which shall and is hereby required to sit from Day to Day (Sunday always excepted) until the sentence be given; and no member of the said Court-martial shall absent himself from the said Court dur-

ing the whole course of the Trial, upon pain of being cashiered from his Majesty's Service, except in case of sickness or other extraordinary and indispensable occasion, to be judged of by the same Court.

From and after 25th December 1749, upon all Trials of Offenders by any Court-martial, all the Officers present who are to constitute the said Court-martial shall, before they proceed to such Trial, take such Oath as is herein-after mentioned upon the Holy Evangelists, before the Court; which Oath the Judge Advocate, or his Deputy, or the Person appointed to officiate as such, is hereby authorized and required to administer, in the Words following; (that is to say),

Members of court-martial to be sworn.

" I, A. B. do swear, that I will duly administer Justice, according to the Articles and Orders established by an Act passed in the Twenty-second Year of the Reign of His Majesty King George the Second, for amending, explaining, and reducing into one Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea, without Partiality, Favour, or Affection; and if any Case shall arise, which is not particularly mentioned in the said Articles and Orders, I will duly administer Justice according to my Conscience, the best of my Understanding, and the Custom of the Navy in the like Cases: And I do further swear, that I will not upon any Account, at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court-martial, unless thereunto required by Act of Parliament. So help me God."

Oath.

And so soon as the said Oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an Oath in the following Words:

Judge Advocate to be sworn.

" I, A. B. do swear, that I will not upon any Account, at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court-martial, unless thereunto required by Act of Parliament. So help me God." 22 G. 2. c. 33. s. 16.

Oath.

From and after 25th December 1749, in case any Person in the Fleet, being called upon to give Evidence at any Court-martial, shall refuse to give his Evidence upon Oath, or shall prevaricate in his Evidence, or behave with Contempt to the Court, it shall and may be lawful for such Court-martial to punish every such Offender by Imprisonment, at the Discretion of the Court, such Imprisonment not to continue longer than

Persons refusing to give evidence, or prevaricating, or behaving contemptuously, may be punished by the court-martial;

or being guilty  
of perjury, or  
subornation of  
perjury,

may be prose-  
cuted for the  
same in K. B. as  
under 5 Eliz.  
c. 9. s. 3. and  
2 G. 2. c. 25. s. 2.

Form of the  
indictment.

Report to be  
made to the Lords  
of the Admiralty,  
&c. before sen-  
tence of death  
(except in cases  
of mutiny) given  
by any court-  
martial, be  
executed.

Three Months, in case of such Refusal or Prevarication, nor longer than one Month in the case of such Contempt; and that all and every Person and Persons who shall commit any wilful Perjury, in any Evidence or Examination upon Oath at any such Court-martial, or who shall corruptly procure or suborn any Person to commit such wilful Perjury, shall and may be prosecuted in his Majesty's Court of King's Bench, by Indictment or Information; and every Issue joined in any such Indictment or Information shall be tried by good and lawful Men of the County of Middlesex, or such other County as the said Court of King's Bench shall direct; and all and every Person and Persons, being lawfully convicted upon any such Indictment or Information, shall be punished with such Pains and Penalties as are inflicted for the like Offences respectively by two Acts of Parliament [5 Eliz. c. 9. s. 3. and 2 G. 2. c. 25. s. 2.] 22 G. 2. c. 33. s. 17.

In every Information or Indictment, to be prosecuted by virtue of this Act for any such Offence, it shall be sufficient to set forth the Offence charged upon the Defendant, without setting forth the Commission or Authority for holding the Court-martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court. s. 18.

From and after the 25th December 1749, no Sentence of Death given by any Court-martial held within the Narrow Seas (except in cases of Mutiny) shall be put in execution till after the Report of the Proceedings of the said Court shall have been made to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, and his or their Directions shall have been given therein; and if the said Court shall have been held beyond the Narrow Seas, then such Sentence of Death shall not be carried into execution but by order of the Commander of the Fleet or Squadron wherein Sentence was passed; and in cases where Sentence of Death shall be passed in any Squadron detached from any other Fleet or Squadron upon a separate Service, then such Sentence of Death (except in cases of Mutiny) shall not be put in execution, but by order of the Commander of the Fleet or Squadron from which such detachment shall have been made, or of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral; and in cases where Sentence of Death shall be passed in any Court-martial held by the senior Officer of five or more of his Majesty's Ships which shall happen to meet together in foreign parts, pursuant to the power herein-before given, then such Sentence of Death (except in cases of Mutiny) shall not be carried into execution but

by order of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral. 22 G. 2. c. 33. s. 19.

And be it further and declared, that from and after the 25th December 1749, the Judge Advocate of any Fleet for the time being, or his Deputy, shall have full power and authority, and is hereby required to administer an Oath to any Witness at any Trial by Court-martial: And in the absence of the Judge Advocate and his Deputy, the Court-martial shall have full power and authority to appoint any person to execute the office of Judge Advocate. s. 20.

Judge Advocate, or his Deputy, empowered to administer an oath to witnesses.

From and after the 25th December 1749, all the powers given by the several articles and orders established by this Act shall remain and be in full force with respect to the Crews of such of his Majesty's Ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority given to the Officers of the said Ship or Ships shall remain and be in full force as effectually as if such Ship or Ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his Majesty's further Service, or removed into some other of his Majesty's Ships of War, or until a Court-martial shall be held, pursuant to the custom of the Navy in such cases, to enquire into the causes of the loss of the said Ship or Ships: And if upon such Enquiry it shall appear by the Sentence of the Court-martial that all or any of the Officers or Seamen of the said Ship or Ships did their utmost to preserve, get off, or recover the said Ship or Ships, and since the loss thereof have behaved themselves obediently to their superior Officers, according to the Discipline of the Navy and the said Articles and Orders herein-before established, then all the Pay and Wages of the said Officers and Seamen, or of such of them as shall have done their Duty as aforesaid, shall continue and go on, and be paid to the time of their Discharge or Death; or if they shall be then alive, to the time of the holding of such Court-martial, or removal into some other of his Majesty's Ships of War; and every such Officer and Seaman of any of his Majesty's Ships of War, who, after the Wreck or Loss of his Ship, shall act contrary to the Discipline of the Navy, and the several Articles and Orders herein-before established, or any of them, shall be sentenced by the said Court-martial, and punished as if the Ship to which he did belong was not so wrecked, lost, or destroyed.

The powers given by the articles, to be in force with respect to crews of ships lost or destroyed.

The pay of the officers and men of such ships, who have behaved well, reserved to them.

s. 21.

From and after the said 25th December 1749, all the Pay and Wages of such Officers and Seamen of any of his Majesty's Ships

The pay of the officers and men taken by the



enemy, who have behaved well, reserved to them.

as are taken by the enemy, and upon enquiry at a Court-martial shall appear by the Sentence of the said Court to have done their utmost to defend the said Ship or Ships, and since the taking thereof, to have behaved themselves obediently to their superior Officers, according to the Discipline of the Navy, and the said Articles and Orders herein-before established, shall continue and go on and be paid, from the time of their being so taken, to the time of the holding of such Court-martial, or until they shall be regularly discharged from his Majesty's Service, or removed into some other of his Majesty's Ships of War, or (if they shall die in Captivity, or not live to the time of the holding of such Court-martial) to the time of their Death, in such manner, and not otherwise, as if the said Ship or Ships to which they did belong respectively, was not or were not so taken. 22 G. 2. c. 33. s. 22.

No person, not flying from justice, to be tried, unless complaint in writing be made to the Lords of the Admiralty, &c.

or a court be ordered within three years after the offence,

or within one year after the return of the ship or offender.

Provided always, that no person or persons not flying from Justice shall be tried or punished by any Court-martial for any Offence to be committed against this Act, unless the Complaint of such Offence be made in Writing to the Lord High Admiral, or to the Commissioners for executing the Office of Lord High Admiral for the time being, or any Commander in Chief of his Majesty's Squadrons or Ships empowered to hold Courts-martial, or unless a Court-martial to try such Offender shall be ordered by the said Lord High Admiral, or the said Commissioners, or the said Commander in Chief, either within Three Years after such Offence shall be committed, or within One Year after the Return of the Ship or of the Squadron to which such Offender shall belong, into any of the Ports of Great Britain or Ireland, or within One Year after the Return of such Offender into Great Britain or Ireland. s. 23.

And whereas by the Act (8 G. 1. c. 24.) it is amongst other things enacted in the following words (s. 9.), that the said Captain, Commander, or other Officer of the said Ship or Vessel of War, and all and every the Owners and Proprietors of such Goods and Merchandizes put on board such Ship or Vessel of War as aforesaid, shall lose, forfeit, and pay the Value of all and every such Goods and Merchandizes so put on board as aforesaid; one Moiety of such full Value to such person or persons as shall make the first Discovery and give Information of or concerning the said Offence, the other Moiety of such full Value to and for the Use of Greenwich Hospital; all which Forfeitures shall and may be sued for and recovered in the High Court of Admiralty: Now, for making the said in part recited Act more useful and effectual, be it enacted, that from and after the 25th

See ante article 18.



December 1749, if any Captain, Commander, or other Officer of any of his Majesty's Ships or Vessels, shall receive on board, or permit or suffer to be received on board such Ship or Vessel, any Goods or Merchandizes contrary to the true intent and meaning of the Eighteenth Article in this Act before-mentioned and hereby enacted, every such Captain, Commander, or other Officer, shall for every such Offence, over and above any Punishment inflicted by this Act, forfeit and pay the Value of all and every such Goods and Merchandizes so received or permitted or suffered to be received on board as aforesaid, or the Sum of Five hundred Pounds of lawful Money of Great Britain, at the election of the Informer or person who shall sue for the same, so that no more than One of these Penalties or Forfeitures shall be sued for and recovered by virtue of this and the said in part recited Act, or either of them, against the same person for one and the same Offence; one Moiety of which Penalties or Forfeitures shall be forfeited and paid to the person who shall inform or sue for the same, and the other Moiety thereof to and for the use of the Royal Hospital at Greenwich; which Forfeiture shall be sued for and recovered by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at Westminster, or in the High Court of Admiralty, at the election of the Informer or person who shall sue for the same, and the Court shall award such Costs to the parties as shall be just; and in all cases where Judgment or Sentence shall be given against any such Offender, the Court where such Judgment or Sentence shall be given shall, with all convenient speed, certify the same to the Lord High Admiral, or to the Commissioners for executing the said Office. 22 G. 2. c. 33. s. 24.

Officers receiving on board any goods contrary to the 18th article of this act, shall, besides the punishment by this act, forfeit the value of the goods, &c. or £500.

Recovery and application of the penalty.

The judgement shall be certified to the lords of the admiralty.

Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiral Power, Jurisdiction, or Authority within this Realm, or any other the King's Dominions, or from any Person or Court whatsoever, any Power, Right, Jurisdiction, Pre-eminence, or Authority, which he or they or any of them lawfully hath, have or had, or ought to have and enjoy, before the making of this Act, so as the same person shall not be punished Twice for the same Offence. s. 25.

Limitation of the powers of this act.

The stat. 22 G. 2. c. 33. extended to officers and seamen serving in His Majesty's vessels employed in the lakes, &c. in North America.

The Statute 29 G. 2. c. 27. intituled "An Act for extending the [foregoing] Act to such Officers, Seamen, and others, as shall serve on board his Majesty's Ships or Vessels employed upon the Lakes, Great Waters, or Rivers in North America," recites that "divers of his Majesty's Ships or Vessels are at present and may hereafter be occasionally employed in and upon certain Lakes, Great Waters, or Rivers in North America, not within the Body of any County actually settled by the King's subjects, and under the regular Government of his Laws and Courts, although the same may be within his Majesty's Dominions;" and then "in order to obviate any doubts which may arise touching the good Regulation and Government of all such Officers, Seamen, and others, as do or for the time being shall serve on board any of his Majesty's said Ships or Vessels so employed as aforesaid," enacts, that a certain Act of Parliament (22 G. 2. c. 33.), and all and every the Articles, Orders, Powers, Authorities, Clauses, Matters, and Things therein mentioned and contained, shall be, and shall be deemed and taken to be in full force; and shall be observed, used, exercised, performed, and executed for the Trial and Punishment of all and every or any such Offences or Offence specified or mentioned in the same Act of Parliament, which have been or shall be committed by any Officers, Seamen, or other Persons respectively, who do or for the time being shall serve on board of any of his Majesty's said Ships or Vessels employed in or upon such Lakes, Great Waters, or Rivers in North America, as fully and effectually to all intents and purposes as if the same Offences or Offence had been committed upon the main Sea, or in Great Rivers, beneath the first Bridges of the said Rivers nigh to the Sea, or in any Haven, River, or Creek within the Jurisdiction of the Admiralty of Great Britain.

#### I. ii. *As to Naval Courts-Martial.*

If His Majesty shall extend his mercy to persons

The Statute 37 G. 3. c. 140. "to enable his Majesty more easily and effectually to grant conditional Pardons to persons under Sentence by Naval Courts-martial, and to regulate Imprisonment under such Sentences," recites that it is expedient to provide more effectually for the performance of the Conditions upon which his Majesty may be graciously pleased to grant conditional Pardons to Offenders liable to the punishment of Death by Sentence of Naval Courts-martial; and enacts, that if his Majesty shall be graciously pleased to extend his mercy to any

Offender liable to the punishment of Death by the Sentence of a Naval Court-martial, upon condition of Transportation, or of transporting himself beyond Seas, or upon condition of being imprisoned within any Gaol in Great Britain, or on condition of being kept to Hard Labour in any Gaol or House of Correction, or Penitentiary House, or on any River, under the direction of any Superintendant or Superintendants legally appointed for the charge of Offenders sentenced to Hard Labour on such River, it shall and may be lawful for any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the degree of the coif, upon such intencion of mercy as aforesaid being notified in writing by one of his Majesty's Principal Secretaries of State, to allow to such Offender the benefit of such conditional Pardon as shall be expressed in such notification, in the same manner as if a conditional Pardon had passed for that purpose under the Great Seal; and thereupon, whenever any such Pardon shall be granted to any such Offender upon condition of Transportation, or of transporting himself, such Justice or Baron shall make an order for the Transportation of such Offender upon the terms and for the time which shall be specified in such notification, and shall also make such other order or orders, and do all such other acts consequent upon the same, as any such Justice or Baron is authorized to make or do by an Act passed in the Twenty-fourth Year of his Majesty's Reign, intituled "An Act for the effectual Transportation of Felons and other Offenders, and to authorize the Removal of Prisoners in certain Cases, and for other Purposes therein mentioned," with respect to Offenders in such Act mentioned, tried at any Court of Oyer and Terminer or Gaol Delivery in England, as in the said Act mentioned; and such order and orders so to be made as aforesaid, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such person in whose custody such Offender shall at that time be, and all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of the said Act with respect to any Offender in the said Act mentioned; and whenever any such Pardon shall be so granted as aforesaid to any Offender liable to the punishment of Death by the Sentence of a Naval Court-martial as aforesaid, upon condition of being imprisoned within any Gaol in Great Britain, or on condition of being kept to Hard Labour in any House of Correction, or Penitentiary House, or on condition of being kept to Hard Labour, during any specified Term, on any River,

liable to death by the sentence of a naval court-martial, a Justice of the King's Bench, &c. may, on notification from the Secretary of State, allow the benefit of such conditional pardon as if it had passed under the Great Seal, and shall make orders accordingly.

under the direction and management of any Superintendant or Superintendants legally appointed as aforesaid, and such Pardon shall have been allowed in manner aforesaid by any such Justice or Baron as aforesaid, such Justice or Baron shall order such Offender to be imprisoned or kept to Hard Labour in the manner and for the time which shall be specified in the notification of such conditional Pardon from such Secretary of State as aforesaid, and shall make such order or orders, and do all such other acts consequent thereupon, as any Justice of Oyer and Terminer or Gaol Delivery is authorized to make or do by an Act passed in the Nineteenth Year of his Majesty's Reign, intituled "An Act to explain and amend the Laws relating to Transportation, Imprisonment, and other punishment of certain Offenders," with respect to Offenders mentioned in the said Act, and to whom conditional Pardons may be granted, as in the said Act mentioned; and such order or orders when made, and all such other Act and Acts when done, by any such Justice or Baron as aforesaid, shall be as effectual, and have all the same consequences, as any order made for the like purpose under the authority of the last-mentioned Act, with respect to any Offender in such Act mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant, whom it may concern, and all Constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience or interrupting the execution of the same, as they would be if the same had been made under the authority of the aforesaid Acts respectively; and every person to whom such conditional Pardon shall be extended, shall be subject respectively to all and every the provision and provisions made by Law and now in force concerning persons convicted of any Crime and receiving his Majesty's Pardon on any such Condition as aforesaid. s. 1.

The Judge allowing the pardon, to direct the notification and order to be filed with the Clerk of the Crown of the Court of King's Bench.

When any Offender liable to the Punishment of Death by the Sentence of any Naval Court-martial as aforesaid, shall receive and be allowed his Majesty's Pardon in Manner aforesaid, the Justice or Baron who shall allow such Pardon, and make any such Order as aforesaid under any such Notification of his Majesty's Intention as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of his Majesty's Court of King's Bench, and to be there kept of Record; and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same. s. 2.

Whenever any Offender shall be ordered, by virtue of this Act, to be imprisoned or to be kept to Hard Labour in any such Manner as aforesaid, the Clerk of the Crown shall deliver, or cause to be delivered, to the Person in whose Custody such Offender shall at that Time be, a Certificate in Writing under his Hand, (not taking for the same more than Two Shillings and Sixpence over and above what he has received for filing the said Notification and Order), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Time for which, the Place where, and the Manner in which, he shall be ordered to be imprisoned, or to be kept to Hard Labour, in any such Manner as aforesaid; and the Person having the Custody of such Offender shall, with all convenient Speed after receiving such Certificate as aforesaid, convey such Offender, or cause him to be conveyed, to the House, Prison, or Place to which he shall so be directed to be conveyed, and shall deliver, or cause to be delivered, such Offender, together with such Certificate, to the Gaoler, Keeper, Governor, or Superintendant, as the case may be, or to such Person as such Gaoler, Keeper, Governor, or Superintendant shall appoint; and the person to whom such Offender shall be so delivered shall give a proper Receipt, in Writing under his Hand, to the person so delivering such Offender, for the Discharge of such Person, and such Certificate shall be kept by the Person to whom such Offender shall be so delivered, as his Warrant and Authority for keeping such Offender in his Custody for such Term and in such Manner as shall be therein specified. 37 G. 3. c. 140. s. 3.

When an offender is ordered to be imprisoned, or kept to hard labour, the Clerk of the Crown to deliver to the person in whose custody he shall be, a certificate of his name, offence, &c. and such person shall deliver him and the certificate to the gaoler, &c.

The said Clerk of the Crown of his Majesty's Court of King's Bench shall, upon the Application of any such Offender who shall accept his Majesty's Pardon, or of any other Person applying on his Behalf, or on the Application of any Person on Behalf of his Majesty, to deliver a Certificate in Writing under his Hand, (not taking for the same more than Two Shillings and Sixpence), containing an Account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which his Majesty's Pardon was extended to him, which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Pardon was granted to him, in any Court and in any Proceeding wherein it may be necessary to enquire into the same. s. 4.

The Clerk of the Crown, on application, to deliver a certificate of the name, offence, place of conviction, and terms of pardon, which shall be proof.

His Majesty may remove offenders under sentence of death by a naval court, but reprieved, &c. as offenders so reprieved are removed by 24 G. 3. sess. 2. c. 56.

Laws touching escape of felons under sentence of death to apply to offenders under like sentence by a naval court, if allowed the benefit of a conditional pardon.

Benefits of conditional pardon in cases of naval courts-martial, how to be carried into execution.

It shall and may be lawful for his Majesty to remove any Offender under Sentence of Death by any Naval Court-martial, but reprieved during his Majesty's Pleasure, or under Order of Transportation by virtue of this Act, or in confinement under Sentence of any Court-martial, to such Place, in such Manner, and with such Restrictions, as he is empowered to do with respect to Offenders under Sentence of Death, but reprieved during his Majesty's Pleasure, or under Sentence or Order of Transportation by the said Act, passed in the Twenty-fourth Year of his Majesty's Reign. [24 G. 3. st. 2. c. 56. (1)] 37 G. 3. c. 140. s. 5.

If any Offender under Sentence of Death by a Naval Court-martial as aforesaid, shall be allowed the Benefit of such conditional Pardon as aforesaid, all and every the Laws now in force touching the Escape of Felons under sentence of Death shall apply to such Offender, and to all Persons aiding, abetting, or assisting in any Escape or intended Escape of any such Offender, or contriving any such Escape, from the Time when such Order shall be made by such Justice or Baron as aforesaid, and during all the several Proceedings which shall be had for the Purposes aforesaid. s. 6.

The Statute 56 G. 3. c. 5. to *extend* the Powers of the last-mentioned Statute, (37 G. 3. c. 140.) recites that Statute, and also the Statutes 24 G. 3. st. 2. c. 56. and 55 G. 3. c. 156 (2). and that "Doubts have arisen whether the said Act [55 G. 3. c. 156.] may not have in part repealed the said Act of the Thirty-seventh Year of his said Majesty's Reign; for Removal whereof, and in order to enlarge and extend the Provisions of the said Act of the Thirty-seventh Year of the Reign aforesaid, as herein-after mentioned," it is enacted, that whenever His Majesty shall be graciously pleased to extend his Royal Mercy to any Offender liable to the Punishment of Death by the Sentence of a Naval Court-martial, on condition of Transportation or Imprisonment, or of being kept to hard Labour for Life, or for any Term of Years, it shall and may be lawful, on a Communication of the Intention of His Majesty from the Lords Commissioners of the Admiralty, or any Three or more of them, for One of His Majesty's Principal Secretaries of State, to notify to any Justice of the King's Bench or Common Pleas, or Baron of the Exchequer of the Degree of the Coif, such Intention of Mercy as aforesaid; whereupon the said Justice or Baron shall allow such Offender the Benefit of such conditional Pardon as shall be expressed in

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(1) } See these Acts under Title TRANSPORTATION.  
(2) }



such Notification, in the same manner as if a conditional Pardon to the same effect had passed under the Great Seal for that Purpose; and the said Justice or Baron, and all other Officers or Persons whatsoever, are to make such Order or Orders, and to do and perform all such Act or Acts for the carrying into effect the Punishment mentioned in such conditional Pardon, as may be required by the said Acts of the Thirty-seventh and Fifty-fifth Years of His said Majesty, or by any other Act or Acts which may be in force at the Time when such conditional Pardon shall be granted, for carrying into execution any Sentence of Transportation or Imprisonment, or to be kept to hard Labour, passed at any Court of Oyer and Terminer or Gaol Delivery in the United Kingdom; and every Sheriff, Gaoler, Keeper, Governor, or Superintendant, whom it may concern, and all Constables and other Persons, shall be bound to obey such Order or Orders, and be assistant in the Execution thereof, and of all such Act or Acts as aforesaid, and be liable to the same Punishment for Neglect, Disobedience, or Interruption of the same, as they would be if the said Offender had been convicted by any Court of Oyer and Terminer or Gaol Delivery, and as if such Order and Orders had been made, and such Act or Acts performed, or required to be performed, in pursuance of such Conviction. s. 1.

It shall and may be lawful for His Majesty to cause any Offender who may be in Prison or Confinement after or under any Sentence of a Naval Court-martial, or after or under any conditional Pardon as aforesaid, to be removed from the Prison or Place of Confinement in which he may at any Time be, to such other fit and proper Prison or Place of Confinement, being a Public Gaol, Prison, Hulk, Penitentiary House, or House of Correction, within the United Kingdom, as to His Majesty may seem expedient; and any One of His Majesty's principal Secretaries of State is hereby authorized and empowered to issue a Warrant or other Instrument under his Hand for such Removal, and for carrying into execution such Part or Parts of such Sentence as may remain unexpired or unsatisfied, or for which his Majesty's gracious Pardon may not have been granted; and every Sheriff, Gaoler, Keeper, Governor or Superintendant, whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Warrant or Instrument, be assistant in the Execution thereof, and be liable to the same Punishment for Neglect, Disobedience, or Interruption of the same, as if the said Person were under Sentence of a Court of Oyer and Terminer or Gaol Delivery for such Imprisonment as in the said Warrant may be specified. s. 2.

Offenders may be removed from one place of confinement to another.



Pay of such offenders to be stopped during imprisonment.

During the Imprisonment of any Officer, Petty Officer or Seaman, or Officer, Non-commissioned Officer or Private of Royal Marines, in any Gaol or Prison or other Place of Confinement, in pursuance of any such Sentence of a Naval Court-martial, or under any conditional Pardon, or Order, or Warrant for Removal as aforesaid, all Pay and Wages of such Officer, Petty Officer, or Seaman, or Officer, Non-commissioned Officer or Private of Royal Marines, shall be suspended and stopped, and the Gaoler, Keeper, Governor, or Superintendant, in whose Custody such Officer, Petty Officer or Seaman, or Officer, Non-commissioned Officer or Private of Royal Marines may be, shall receive and apply, in the Subsistence and Support of every such Prisoner, an Allowance of such a Sum of Money *per Diem* as shall at that time be appointed by any Act of Parliament for the regulating of his Majesty's Royal Marine Forces while on Shore, to be paid to any Gaoler or Keeper of any Prison or House of Correction for the Subsistence of any Non-commissioned Officer or Private Marine committed into their Custody under such Act, and which Allowance the said Commissioners for executing the Office of Lord High Admiral for the time being are hereby authorized and required to cause to be paid by the Treasurer of the Navy or the Paymaster of Royal Marines, as the case may be, to the said Gaoler, Keeper, Governor, or Superintendant accordingly. 56 G. 3. c. 5. s. 3.

Allowance to the gaoler.

In cases of insanity prisoners to be removed to some Lunatic Asylum.

If any person, being in Prison or Confinement under any such Sentence, or by virtue of any such Warrant or Instrument as aforesaid, shall become insane, and shall be certified by Two Physicians or Surgeons to be insane, it shall and may be lawful for One of the said Secretaries of State to direct, by a Warrant or Instrument under his hand, the removal of such person to such Lunatic Asylum, or other proper Receptacle for insane persons in the United Kingdom, as he may judge proper, for the unexpired term of any such Sentence or Imprisonment or Confinement; and if any such person should be in the same manner certified to be of sound mind, the said Secretary of State may issue a similar Warrant or Instrument for his being removed to such Prison or Place of Confinement as he may deem expedient. s. 4.

## II. *Regulations for preventing Disturbances by Seamen and others in the Dockyards, &c. and on Pay Days.*

The Statute 1 G. 1. st. 2. c. 25. intituled, "An Act to prevent Disturbances by Seamen and others, and to preserve the Stores belonging to his Majesty's Navy Royal, and also for explaining

an Act for the better preventing the Embezzlement of his Majesty's Stores of War," &c. recites that "whereas divers Fightings, Quarrellings, and Disturbances do often happen in and about his Majesty's Offices, Yards, and Stores belonging to his Majesty's Royal Navy, and frequent Differences and Disorders are occasioned in and about the Office of his Majesty's Treasury of the Navy on Pay Days in London, Portsmouth, and other Places of meeting for the service of the said Navy, by the unreasonable turbulency of Seamen and others attending on or relating to that Service, or their creditors, or by the rudeness of the Officers intrusted with his Majesty's Stores on Land, or in his Royal Ships, when they are questioned by the Principal Officers and Commissioners of the said Navy either for Neglect or Embezzlement of his Majesty's Provisions, Ammunition, or other Equipage of the Navy under their charge, not only to the Disturbance of the Peace, but sometimes to the danger and hindrance of his Majesty's Service, both in point of husbanding his Majesty's Revenue and also in the dispatch of the Ships, on which the honour and safety of his Majesty and Kingdom so much depend; which inconveniences require a speedier remedy than the ordinary course of justice, the parties accused or offending being many times bound to sea, and the principal Officers and Commissioners, for want of authority to suppress such insolencies and disorders, and hear, determine, and punish such offences, being necessitated to pass by many offences in which his Majesty might be righted if their necessary attendance on that important Service would permit the prosecution of Offenders before other ordinary Judicatures;" for remedy thereof enacts, that the Treasurer, Comptroller, Surveyor, Clerk of the Acts, and the Commissioners of the Navy for the time being, or any one or more of them, shall from and after the 29th Sept. next ensuing have power and authority by Warrant under any one or more of their Hands and Seals to cause such Offenders to be apprehended and brought before him or them, and to examine and punish all such person and persons whom he or they upon their enquiry and examination of witnesses upon Oath (which Oath he or they are hereby empowered to administer), or upon confession of the party or parties accused, or on view in his or their presence, shall find to make or have made any such Disturbance, Fighting, or Quarrelling in any the Yards, Stores, Offices, or Places aforesaid, at Pay Days or on other occasions relating to the Naval Services, in such manner as followeth (that is to say), that they or any one or more of them may punish any the said offences

Treasurer, Comptroller, Surveyor, Clerk of the Acts, and Commissioners of the Navy for the time being, may punish disturbances in the yards, &c. and on pay days, by fine and imprisonment.

by Fine, Imprisonment, or either of them, the Fine not exceeding Twenty Shillings, and Imprisonment not exceeding one Week, and have power in such cases to commit such person to the next Gaol, or to the Custody of the Messenger or Messengers for the time being attendant on them, who respectively are to receive and detain such person so offending; and that the said Principal Officers and Commissioners, or any one or more of them then present, have hereby power and authority to discharge such Fine or Imprisonment if they think fit, and for non-payment of the Fine so imposed, and not remitted, to imprison the party offending until payment thereof, or otherwise to cause such Offender or Offenders to be sent to the next House of Correction to the Place where such offence shall be committed, there to be kept at Hard Labour for the space of Two Months without Bail or Mainprize; which said Fines shall be paid to the Clerk of the Chest at Chatham for the use of the maimed Seamen.

And may also bind such offenders to good behaviour.

The said Officers and Commissioners, or any one or more of them (in cases where greater example or punishment is needful), may also bind the person or persons so offending to their good behaviour, and to answer the Offences whereof they shall be accused at the next Assises or General Quarter Sessions of the Peace for the County or place where such Offence shall be committed, with or without Securities as occasion shall be, and in default of such securities where the same shall be required, to commit the person or persons offending as aforesaid to the Common Gaol of the County or place where such Offences shall be committed, in order to their being prosecuted for such Offence or Offences at the next Assises or General Quarter Sessions of the Peace for such County or place. s. 2.

Such officers may execute this Act in all places.

By s. 10. the said Treasurer, Comptroller, Surveyor, Clerk of the Acts, and the Commissioners of the Navy for the time being, or any one or more of them, may execute all and every the powers hereby or by any other Law given them or any of them, on all and every the Offenders aforesaid, in all places, as well within Liberties as without; any Law, Statute, Ordinance, Charter, or Privilege to the contrary notwithstanding.

## News.

The punishment of such as tell or publish false news, whereby discord, &c. may grow between

Forasmuch as there have been oftentimes found in the Country Devisors of Tales, whereby Discord, or occasion of Discord, hath many times arisen between the King and his People, or great Men of this Realm; for the Damage that hath and may

thereof ensue it is commanded, that from henceforth none be so hardy to tell or publish any false News or Tales, whereby Discord, or occasion of Discord or Slander may grow between the King and his People or the great Men of the Realm; and he that doth so shall be taken and kept in Prison until he hath brought him into the Court which was the first Author of the Tale. 3 Ed. 1. c. 34.

the king and his people or great men.

Item, of Devisors of false News and of horrible and false Lyes of Prelates, Dukes, Earls, Barons, and other Nobles, and great Men of the Realm, and also of the Chancellor, Treasurer, Clerk of the Privy Seal, Steward of the King's House, Justices of the one Bench or of the other, and of other great Officers of the Realm, of things which by the said Prelates, Lords, Nobles, and Officers aforesaid were never spoken, done, nor thought, in great Slander of the said Prelates, Lords, Nobles and Officers, whereby Debates and Discords might arise between the said Lords, or between the Lords and the Commons (which God forbid), and whereof great Peril and Mischief might come to all the Realm, and quick Subversion and Destruction of the said Realm if due remedy be not provided; it is straitly defended upon grievous pain for to eschew the said Damages and Perils, that from henceforth none be so hardy to devise, speak, or to tell, any false News, Lyes, or other such false things, of Prelates, Lords, and of other aforesaid, whereof Discord or any Slander might arise within the same Realm, and he that doth the same shall incur and have the pain another time ordained thereof by the Statute of Westminster the first, which will, that he be taken and imprisoned till he have found him of whom the word was moved. 2 R. 2. st. 1. c. 5.

The punishment of such as devise any false news, &c.

The Statute 12 R. 2. c. 11. recites the substance of the two foregoing Statutes, and then it is accorded and agreed, that when any such is taken and imprisoned, and cannot find him by whom the Speech be moved, that he be punished by the Advice of the Council, notwithstanding the said Statute.

## **Night Walkers.**

“Item, whereas in the Statute made at Winchester in the time of King Edward, Grandfather to the King that now is, it is contained, that if any stranger pass by the Country in the Night, of whom any have suspicion, he shall presently be arrested and delivered to the Sheriff, and remain in ward till

Night-walkers  
shall be apprehended by the  
constable.

3 Inst. 197.

he be duly delivered (1); and because there have been divers Manslaughters, Felonies, and Robberies done in times past, by people that be called Roberdesmen, Wastors, and Drawlatches," it is accorded, that if any Man have any evil suspicion of such, be it by Day or by Night, they shall be incontinently arrested by the Constables of the Towns. And if they be arrested within Franchises, they shall be delivered to the Bailiffs of the Franchise, and if in Guildable, they shall be delivered to the Sheriffs, and kept in Prison till the coming down of the Justices assigned to deliver the Gaol. And in the mean time the Sheriffs or Bailiffs of the Franchises shall inquire of such Arrests, and at the coming of the Justices return their Inquests before them, with that which they have found, and the cause of the takings, with the bodies, and the Justices shall proceed to the deliverance of such persons arrested according to the Law. And in case that the Sheriffs or Bailiffs of the Franchises have not inquired of such Arrests, they shall be amerced, and nevertheless the Justices shall make inquiry, and further proceed to the liverance, as before is said." 5 Ed. 3. c. 14.

## Northern Counties.

Forasmuch as now of late years very many of her Majesty's subjects dwelling and inhabiting within the Counties of *Cumberland*, *Northumberland*, *Westmorland*, and Bishoprick of *Duresme*, have been taken some forth of their own houses, and some in travelling by the Highway or otherwise, and carried out of the same Counties, or to some other places within some of the said several Counties, as Prisoners, and kept barbarously and cruelly until they have been redeemed by great Ransoms; and where now of late time there have been many Incursions, Roads, Robberies, and burning and spoiling of Towns, Villages, and Houses within the said Counties, that divers and sundry of her Majesty's loving subjects within the said Counties, and the inhabitants of divers Towns there, have been forced to pay a certain Rate of Money, Corn, Cattle, or other Consideration, commonly there called by the name of *Black Mail*, unto divers and sundry inhabiting upon or near the Borders, being men of name, and friended and allied with divers in those parts who are commonly known to be great Robbers and Spoil Takers within the said

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(1) This recited Statute (13 Ed. 1. st. 2. c. 4.) is now become obsolete, being connected with the watchings established by that Act in walled towns.

Counties, to the end thereby to be by them freed, protected, and kept in safety, from the danger of such as do usually rob and steal in those parts; by reason whereof many of the inhabitants thereabouts, being her Majesty's tenants, or other good subjects, are much impoverished, and theft and robbery much increased, and the maintainers thereof greatly encouraged, and the service of those Borders and Frontiers much weakened and decayed, and divers Towns thereabouts much dispeopled and laid waste, and her Majesty's own Revenue greatly diminished; which heinous and outrageous Misdemeanors there cannot so well by the ordinary Officers of her Majesty in those parts be speedily prevented or suppressed without further Provision of Law; for remedy whereof be it enacted, that whosoever shall at any time hereafter, without good and lawful Warrant and Authority, take any of her Majesty's subjects against his or their will or wills, and carry them out of the same Counties, or to any other Place within any of the said Counties, or detain, force, or imprison him or them as Prisoners, or against his or their wills, to ransom them, or to make a Prey or Spoil of his or their Person or Goods, upon deadly feud or otherwise; or whosoever shall be privy, consenting, aiding, or assisting, unto any such taking, detaining, or carrying away, or procure the taking, detaining, or carrying away of any such person or persons Prisoners as aforesaid; or whosoever shall take, receive, or carry to the use of himself, or wittingly to the use of any other, any Money, Corn, Cattle, or other Consideration, commonly called *Black Mail*, for the protecting or defending of him or them, or his or their Lands, Tenements, Goods or Chattels, from such Thefts, Spoils, and Robberies as is aforesaid; or whosoever shall give any such Money, Corn, Cattle, or other Consideration called *Black Mail*, for such Protection as is aforesaid; or shall wilfully and of malice burn, or cause to be burned, or aid, procure, or consent to the burning of any Barn, or Stack of Corn or Grain, within any the said Counties or Places aforesaid, and shall be of the said several Offences, or any of them, indicted and lawfully convicted, or shall stand mute, or shall challenge peremptorily above the Number of Twenty, before the Justices of Assizes, Justices of Gaol Delivery, Justices of Oyer and Terminer, or Justices of Peace within any of the same Counties, at some of their General Sessions within some of the said Counties to be holden, shall be reputed, adjudged, and taken to be as Felons, and shall suffer Pains of Death without any Benefit of Clergy, Sanc-

Offenders in the northern counties falsely imprisoning any person, or taking or receiving Black mail, or being privy thereto, or burning any barn or stack of corn there, or aiding therein, ousted of Clergy.



tuary, or Abjuration, and shall forfeit as in case of Felony. 43 Eliz. c. 13. s. 1, 2.

Such offenders being outlawed shall be proclaimed in certain towns.

And whereas divers and sundry persons within the said Counties being indicted and outlawed for Murders, Robberies, Burglaries, or other Felonies, do notwithstanding ordinarily resort and come to Markets, Fairs, and other Publick Assemblies and Meetings and do there converse, traffick and trade, with other her Majesty's subjects, and are entertained and have the Privilege as men obedient to Laws, and yet do never yield themselves to Trial of Law, nor are apprehended, whereby the ordinary Proceeding of Law and Execution of Justice in those Parts are grown now into very great Contempt: Be it therefore likewise further enacted, that every Clerk of the Peace within every of the said Counties, shall within the Space of Two Months next after any Outlawry within any of the said Counties, deliver or cause to be delivered by Writing under his Hand the Names of all and every such as are or shall be hereafter outlawed within their several Counties, to all and every the Sheriffs of the said several Counties; and all and every the said Sheriffs shall proclaim and publish them to be outlawed in their several County Courts, and in the City of *Carlisle*, the Towns of *Penreth* and *Cockermouth* in the County of *Cumberland*, and in the Towns of *Appulby* and *Kendal* in the County of *Westmorland*, and in the Town of *Newcastle upon Tine* in the County of the Town of *Newcastle upon Tine*, and in the Towns of *Morpeth*, *Alnewick*, and *Hexam*, in the County of *Northumberland*, and in the City of *Duresme*, and Towns of *Darlington*, *Bishop Auckland*, and *Bernard Castle*, within the Bishoprick of *Duresme*, and in the Town of *Berwick upon Tweed*; and that the said Sheriffs having notice as aforesaid, shall from time to time, once in the Month, at their County Court proclaim every of the said persons so outlawed, or hereafter to be outlawed, until they shall yield their Bodies to Prison; and likewise that the Mayors, Bailiffs, Aldermen, and other Chief Officers within the said several Cities and Towns, shall proclaim the like at every Fair or Fairs to be kept within the said Cities or Towns, and once every Six Weeks at their Markets. s. 3, 4.

Persons conferring with, receiving, or relieving such outlaws, punishable by imprisonment, &c.

If any person or persons inhabiting within any the said several Counties, shall wittingly and willingly have conference, talk, or in any sort shall relieve, entertain, or confer with any such person or persons so outlawed, or hereafter to be outlawed for any such Murders, Robberies, Burglaries or other Felonies, having



knowledge of the same Outlawries, by reason of the same Proclamation or otherwise, and then shall not with convenient speed do his best endeavour to take and arrest any such person or persons so outlawed or to be outlawed as is aforesaid, shall suffer imprisonment by the space of Six Months without bail or mainprize, and be bound with two sufficient Sureties for his good Behaviour for the space of one Year after, before he be enlarged of his Imprisonment. 43 Eliz. c. 13. s. 5.

The Justices of Assize within any of the said Counties, Justices of Gaol Delivery, Justices of Oyer and Terminer, or Justices of Peace within any of the said Counties, at any of their General Sessions, shall have power and authority by virtue of this Act, to enquire, hear, and determine of the Offences of the said Sheriffs, Mayors, Bailiffs, Aldermen and other Officers, and of the Clerks of the Peace within the said Counties, and proceed against them by Information or Indictment, and punish them by Fine, Imprisonment, or otherwise, as they shall think fit. s. 6.

Who shall hear and determine neglects of Mayors, &c.

Provided that this Act shall not extend to abridge or impeach the Jurisdiction or Authority of any the Lords Wardens of any the Marches of England for and anenst Scotland. s. 7.

Not to abridge powers of the Lord Warden.

The Stat. 18 Car. 2. c. 3. enacts, that the Benefit of Clergy shall be taken away from great known and notorious Thieves and Spoil takers, in the Counties of Northumberland, Cumberland, or either of them, during the continuance of this present Act, who shall be duly convicted for Theft done or committed within the said Counties or either of them: or otherwise, that it shall and may be lawful to and for the Justices of the Assize and Commissioners of Oyer and Terminer or Gaol Delivery, before whom such Offenders shall be convicted, within the said Counties or either of them, to transport or cause to be transported the said Offenders, and every of them, into any of his Majesty's Dominions in America, there to remain and not to return; any former law, statute, or usage to the contrary in anywise notwithstanding.

Clergy taken away from great and notorious thieves and spoil takers in Cumberland and Northumberland.

The above Statute of Car. 2. is made perpetual by the Stat. 31 G. 2. c. 42. s. 1.

## Nuisances.

- I. *The Offence of opening public Subscriptions for Undertakings injurious to Trade or Commerce.*
- II. *The Offence of keeping Disorderly Houses.* (And see Title GAMING.)
- III. *Depositing offensive Substances within or near to Cities, &c.*

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- I. *The Offence of opening public Subscriptions for Undertakings injurious to Trade or Commerce.*

A recital of the evils arising from certain undertakings and projects publicly contrived, &c. to the common grievance and prejudice of persons engaged in trade, commerce, &c. and public subscriptions for carrying on the same:

- Whereas it is notorious that several Undertakings or Projects of different kinds have at some time or times since the 24th June 1718, been publicly contrived and practised, or attempted to be practised within the City of London and other parts of this kingdom, as also in Ireland and other his Majesty's Dominions, which manifestly tend to the common Grievance, Prejudice, and Inconvenience of great Numbers of your Majesty's Subjects in their Trade or Commerce, and other their Affairs; and the persons who contrive or attempt such dangerous and mischievous Undertakings or Projects, under false Pretences of public Good, do presume, according to their own Devices and Schemes, to open books for public Subscriptions, and draw in many unwary persons to subscribe therein towards raising great Sums of Money, whereupon the Subscribers or Claimants under them do pay small Proportions thereof, and such Proportions in the whole do amount to very large Sums, which dangerous and mischievous Undertakings or Projects do relate to several Fisheries and other Affairs, wherein the Trade, Commerce, and Welfare of your Majesty's Subjects, or great Numbers of them, are concerned or interested: And whereas in many cases the said Undertakers or Subscribers have, since the said 24th June 1718, presumed to act as if they were Corporate Bodies, and have pretended to make their Shares in Stocks transferrable or assignable without any legal Authority, either by Act of Parliament or by any Charter from the Crown, for so doing; and in some cases the Undertakers or Subscribers, since the said 24th June 1718, have acted or pretended to act under some Charter or Charters formerly granted by the Crown for some particular or special Purpose therein expressed, but have used or endeavoured to use the same Charters for raising Joint Stocks, and for making Transfers or Assignments, or pretended Transfers or Assignments, for their own private Lucre, which were never intended or designed by

And so acting, &c. under obsolete charters, or charters intended for other purposes.

the same Charters respectively; and in some Cases the Undertakers or Subscribers, since the said 24th June 1718, have acted under some obsolete Charter or Charters, although the same became void or voidable by Nonuser or Abuser, or for want of making lawful Elections, which were necessary for the Continuance thereof; and many other unwarrantable Practices (too many to enumerate) have been and daily are and may hereafter be contrived, set on foot, or proceeded upon, to the Ruin and Destruction of many of your Majesty's good Subjects, if a timely remedy be not provided: And whereas it is become absolutely necessary that all public Undertakings and Attempts, tending to the common Grievance, Prejudice, and Inconvenience of your Majesty's Subjects in general, or great numbers of them, in their Trade, Commerce, or other lawful Affairs, be effectually suppressed and restrained for the future, by suitable and adequate punishments for that purpose to be ascertained and established: Now for suppressing such mischievous and dangerous Undertakings and Attempts, and preventing the like for the future; be it enacted, that from and after the 24th June 1720, all and every the Undertakings and Attempts described as aforesaid, and all other public Undertakings and Attempts, tending to the common Grievance, Prejudice, and Inconvenience of his Majesty's Subjects, or great numbers of them, in their Trade, Commerce, or other lawful Affairs, and all public Subscriptions, Receipts, Payments, Assignments, Transfers, pretended Assignments and Transfers, and all other Matters and Things whatsoever, for furthering, countenancing, or proceeding in any such Undertaking or Attempt, and more particularly the acting or presuming to act as a Corporate Body or Bodies, the raising or pretending to raise transferrable Stock or Stocks, the transferring or pretending to transfer or assign any Share or Shares in such Stock or Stocks, without legal Authority, either by Act of Parliament or by any Charter from the Crown, to warrant such acting as a Body Corporate, or to raise such transferrable Stock or Stocks, or to transfer Shares therein, and all acting or pretending to act under any Charter formerly granted from the Crown for particular or special purposes therein expressed, by Persons who do or shall use or endeavour to use the same Charters for raising a capital Stock, or for making Transfers or Assignments, or pretended Transfers or Assignments of such Stock, not intended or designed by such Charter to be raised or transferred, and all acting or pretending to act under any obsolete Charter,

All such public undertakings and attempts tending to the common prejudice of persons in their trade, commerce, or other lawful affairs, and all public subscriptions for furthering the same, or presuming to act as a corporate body without legal authority, or under any obsolete charter, &c.

declared to be  
illegal and void.

Such under-  
takings, &c. de-  
clared to be  
public nuisances;

become void or voidable by Nonuser or Abuser, or for want of making lawful Elections which were necessary to continue the Corporation thereby intended, shall (as to all or any such Acts, Matters, and Things as shall be acted, done, attempted, endeavoured, or proceeded upon, after the said 24th June 1720) for ever be deemed to be illegal and void, and shall not be practised or in any wise be put in execution. 6 G. 1. c. 18. s. 18

From and after the said 24th June 1720, all such unlawful undertakings and attempts so tending to the common grievance, prejudice, and inconvenience of his Majesty's Subjects, or a great number of them, in their Trade, Commerce, or other lawful affairs, and the making or taking of any Subscriptions for that purpose, the receiving or paying of any Money upon such Subscriptions, the making or accepting of any Assignment or Transfer, or pretended Assignment or Transfer, of any Share or Shares upon any such Subscription, and all and every other matter and thing whatsoever, for furthering, countenancing, or proceeding in any such unlawful undertaking or attempt, and more particularly the presuming or pretending to act as a Corporate Body, or to raise a transferrable Stock or Stocks, or to make Transfers or Assignments of any Share or Shares therein, without such legal authority as aforesaid, and all acting or pretending to act under any Charter formerly granted from the Crown for any particular or special purposes therein expressed, by persons making or endeavouring to make use of such Charter for any such other purpose not thereby intended, and all acting or pretending to act under any such obsolete Charter as is before described, and every of them (as to all or any such acts, matters, or things as shall be so acted, done, attempted, endeavoured, or proceeded upon after the said 24th June 1720), shall be deemed to be a public Nuisance and Nuisances, and the same, and all causes, matters, and things relating thereto, and every of them, shall for ever hereafter be examined, heard, tried, and determined as common Nuisances are to be examined, heard, tried, and determined by or according to the Laws of this Realm; and all offenders therein, being thereof lawfully convicted upon Information or Indictment in any of his Majesty's Courts of Record at Westminster, or in Edinburgh, or in Dublin, shall be liable to such Fines, Penalties, and Punishments whereunto persons convicted for common and public Nuisances are by any of the Laws and Statutes of this Realm subject and liable; and moreover shall incur and sustain

and the parties  
practising the  
same shall suffer  
the same punish-  
ment as per-  
sons convicted of  
common nusan-  
ces are liable to;

any further Pains, Penalties, and Forfeitures as were ordained and provided by the Statute of Provision and Præmunire, made in the Sixteenth Year of the Reign of King Richard the Second. 6 G. 1. c. 18. s. 19.

And also incur the pains of præmunire under 16 R. 2. c. 5.

The Statute 14 G. 2. c. 37. recites the Statute 6 G. 1. c. 18. and that “doubts have arisen whether the said recited Act doth extend to or can be executed in his Majesty Dominions, Colonies, and Plantations in America, in regard that the Information or Indictment against the Offenders therein mentioned, and likewise the Actions grounded on that Act, were appointed to be heard and determined in the Courts of Record at Westminster, or in Edinburgh, or in Dublin; so that the said Act, without further explanation and amendment, may not be sufficient to suppress and prevent in America the mischievous and dangerous Undertakings and Attempts therein mentioned, and thereby designed to be prevented and suppressed;” and then, for remedy thereof, *declares* and enacts, that the said recited Act, and all and singular the Paragraphs, Clauses, Sentences, and Expressions therein contained, for suppressing, restraining or punishing the extravagant or unwarrantable Practices therein mentioned, did, do, and shall extend to all and every the public, extravagant and unwarrantable Practices herein-before mentioned or described, and did, do, and shall extend to, and are and shall be in force and carried into execution in all and every his Majesty’s Dominions, Colonies, and Plantations in America; and that all and every the Undertakings, Attempts, matters, and things in the said recited Act mentioned or described, and prohibited to be acted, done, attempted, endeavoured, or proceeded upon within the City of London and other parts of this Kingdom, as also in Ireland and other his Majesty’s Dominions, and all other the Undertakings, Attempts, Matters, and things herein-before mentioned or described are and shall be deemed to be illegal and void in his Majesty’s Dominions, Colonies, and Plantations in America also, and shall not there be practised or in anywise be put in execution; and that all Offenders against the said recited or this present Act, being thereof lawfully convicted upon Information or Indictment, in any of his Majesty’s Courts of Record in any of his Majesty’s Dominions, Colonies, or Plantations in America, shall be liable to such and the like Fines, Penalties, and Punishments whereunto persons convicted in Great Britain for common and public Nuisances are by any of the Laws or Statutes of this Realm subject or liable; and moreover shall incur and sustain

The provisions and powers of the statute 14 G. 2. c. 37. extended to the Colonies and Plantations in America.

any further Pains, Penalties, and Forfeitures as were ordained and provided by the said Statute of Præmunire (16 R. 2. c. 5.): And that if any Merchant, Trader, or other person hath suffered or shall suffer any particular Damage in his Trade, &c. by occasion of such Undertakings, &c. declared to be illegal, he shall have his remedy for the same by Action, &c. grounded on this Act, against one or more of the persons who shall be engaged in such unlawful Undertaking, &c.; and such Action for what has been so undertaken in America, shall be heard and determined in the Courts of Record in his Majesty's Dominions, Colonies, or Plantations in America, and the Plaintiff, if he recover, shall recover treble Damages with full Costs of Suit. 14 G. 2. c. 37. s. 1.

Persons paying amount of undertaking on demand exonerated.

Nothing herein shall extend or be construed to extend to inflict any of the Fines, Pains, Penalties, Forfeitures, Punishments, or treble Damages aforesaid, upon any person or persons whatsoever, who have or hath attempted, promoted, undertaken, assisted, or carried on in America, any of the matters or things declared to be illegal and void by this or the said recited act, if such person or persons does or do within ten days after demand made, pay and discharge such Sum or Sums of Money respectively, as shall be secured or made payable by such Note or Notes, Bill or Bills, and desist from, give up, relinquish, and wholly forbear to act further in any sort directly or indirectly in any such matter or thing, on or before 29th September 1741. s. 3.

## II. *The Offence of keeping Disorderly Houses.*

What proceedings shall be taken against persons keeping disorderly houses.

The Statute 25 G. 2. c. 36. s. 5. directs Constables (or other Peace Officers of the like nature where there is no Constable) upon the Information of Two Inhabitants of any place paying Scot and bearing Lot, of any person keeping a Bawdy-house, Gaming-house, or other Disorderly House, to go with such Inhabitants before a Justice of the Peace for the County in which such place lies, and upon such Inhabitants making Oath before such Justice that they believe such Information to be true, and entering into a Recognizance to give or produce material Evidence against such person for such offence, enter into a Recognizance to prosecute with effect such person for such offence at the next General Quarter Sessions of the Peace, or next Assises, and which Constable shall be allowed all the reasonable Expences of such prosecution: and if such person shall be convicted of such



offence, the Overseers of the Poor of such place shall pay the Sum of £10 to each of such Inhabitants.

By s. 6., upon such Constable or other Officer entering into such Recognizance, the said Justice shall issue his Warrant to apprehend the Offender, and shall bind him over to appear and answer to such Indictment as shall be found against him.

The 8th section recites, that "by reason of the many subtle and crafty contrivances of persons keeping Bawdy-houses, Gaming-houses, or other disorderly Houses, it is difficult to prove who is the real Owner or Keeper thereof, by which means many notorious Offenders have escaped Punishment," and then enacts, that any person who shall at any time hereafter appear, act, or behave him or herself as Master or Mistress, or as the person having the care, government, or management of any Bawdy-house, Gaming-house, or other Disorderly House, shall be deemed and taken to be the Keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real Owner or Keeper thereof.

Persons having the management of disorderly houses shall be deemed the keepers thereof.

By s. 9., upon any such Prosecution any person may give Evidence against the Defendant, or on the behalf of such Defendant, in such Prosecution, notwithstanding his or her being an Inhabitant or Parishioner of the said Parish or Place, or having entered into such Recognizance as aforesaid.

By s. 10. no Certiorari shall be allowed to remove any such Indictment.

The Statute 58 G. 3. c. 70. (s. 7.) recites the sixth section of the above Statute, 25 G. 3. c. 36., and that it is expedient that when any Two Inhabitants of any Parish or Place, paying Scot and bearing Lot therein, shall give Notice in Writing to any Constable of such Parish or Place of any person keeping a Bawdy-house, Gaming-house, or any other Disorderly House, in such Parish or Place, that the Overseers of the Poor of such Parish or Place shall have Notice thereof; therefore be it enacted, and it is hereby enacted, that a Copy of the Notice which shall be given to such Constable shall also be served on or left at the places of Abode of the Overseers of the Poor of such Parish or Place, or one of them, and such Overseers or Overseer of the Poor shall be summoned or have reasonable Notice to attend before such Justice of the Peace before whom such Constable shall have Notice to attend; and if such Overseers or Overseer of the Poor shall then and there enter into such Recognizance to prosecute such Offender as the Constable is in and by the said Act required

Notice shall be given also to the Overseers of the Poor, as well as to Constables,

who are to prosecute.



to enter into, then it shall not be necessary for, nor shall such Constable be required to enter into such Recognizance; but if such Overseers or Overseer of the Poor shall neglect to attend such Justice on having such Notice, or shall attend and shall decline or refuse to enter into such Recognizance to prosecute, then such Constable shall enter into the same, and shall prosecute, and shall be entitled to his Expences, to be allowed as in and by the said Act is directed.

### III. *Depositing offensive Substances within or near to Cities, &c.*

Item, for that so much Dung and Filth of the Garbage and Entrails, as well of Beasts killed as of other Corruptions, be cast and put in Ditches, Rivers, and other Waters, and also within many other places within, about, and nigh unto divers Cities, Boroughs, and Towns of the Realm, and the Suburbs of them, that the Air there is greatly corrupt and infect, and many Maladies and other intolerable Diseases do daily happen, as well to the Inhabitants and those that are conversant in the said Cities, Boroughs, Towns, and Suburbs, as to other repairing and travelling thither, to the great Annoyance, Damage, and Peril of the Inhabitants, Dwellers, Repairers, and Travellers aforesaid; it is accorded and assented, that Proclamation be made as well in the City of London as in other Cities, Boroughs, and Towns through the Realm of England, when it shall be needful, as well within Franchises as without, that all they which do cast and lay all such Annoyances, Dung, Garbage, Entrails, and other Ordure, in Ditches, Rivers, Waters, and other places aforesaid, shall cause them utterly to be removed, avoided, and carried away, betwixt this and the Feast of Saint Michael next ensuing after the end of this present Parliament, every one upon pain to lose and forfeit to our Lord the King xx. li.; and that the Mayors and Bailiffs of every such City, Borough, or Town, and also the Bailiffs of Franchises, shall compel the same to be done, upon like pain: and if any feel himself grieved that it be not done in the manner aforesaid, and will thereupon complain him to the Chancellor, after the said Feast, he shall have a Writ to make him of whom he will so complain come into the Chancery, there to shew why the said Penalty should not be levied of him; and if he cannot duly excuse himself, the said Penalty shall be levied on him. And moreover, Proclamation shall be made, as well in the said City of London as in other Cities, Boroughs, and Towns as afore, that none, of what condition soever he

Penalty on persons depositing filth near to great towns.

£10.

Chief Officers of towns shall cause such filth and other nuisances to be removed.

The Chancellor may grant a writ of nuisance.

be, cause to be cast or thrown from henceforth any such Annoyance, Garbage, Dung, Entrails, nor any other Ordure, into the Ditches, Rivers, Waters, and other places aforesaid, and if any do, he shall be called by Writ before the Chancellor, at his suit that will complain; and if he be found guilty, he shall be punished after the discretion of the Chancellor. 12 R. 2. c. 13.

## Oaths.

§ 1. *The Oaths of Allegiance, Supremacy and Abjuration, and the Declaration against Transubstantiation; and who are bound to take and make them.* (And see title RELIGION.)

§ 2. *Administering or taking Unlawful Oaths.*

Perhaps the matter under this head does not strictly come within the plan upon which this work has been compiled; the several statutes, therefore, have not been taken at full length; but the Compiler did not think himself at liberty entirely to pass over the subject in silence. By the statute 57 G. 3. c. 92. Commissions may be delivered to Officers of the Navy, Land Forces, and Marines, without such Officers being required to take the Oaths or subscribe the Declaration mentioned in the ensuing Statutes.

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§ 1. *The Oaths of Allegiance, Supremacy, and Abjuration, and the Declaration against Transubstantiation; and who are bound to take and make them.*

By the Statute 1 Eliz. c. 1. s. 19. it is enacted that every Archbishop, Bishop, and every other Ecclesiastical Person, Officer, and Minister, of what estate, dignity, preheminance, or degree soever he shall be, and every Temporal Judge, Justice Mayor, and other Lay or Temporal Officer and Minister, and every other person having your Highness fee or wages within this Realm or any the King's Dominions, shall make, take, and receive a corporal Oath upon the Evangelist, before such person as the King shall, under the Great Seal, assign and name to accept and to take the same, according to the tenor and effect following; that is to say,

[ *A. B.* do sincerely promise and swear, that I will be faithful and bear true Allegiance to their Majesties King William and Queen Mary. So help me God, &c.

§ 1.  
The oath of supremacy to be taken by certain officers.

**I A. B. do swear, that I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their Subjects or any other whatsoever. And I do declare that no Foreign Prince, Person, Prelate, State, or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm. So help me God, &c.**

**This is the Oath now in force, and is contained in the Statute 1 W. & M. c. 8., being substituted by that Act for the one directed to be taken by the Statute 1 Eliz. (1)**

Penalty for refusing to take the oath.

**And if any such Archbishop, Bishop, or any other Ecclesiastical Officer or Minister, or any of the said Temporal Judges, Justiciaries, or other Lay Officer or Minister, shall peremptorily or obstinately refuse to take or receive the said Oath, that then he so refusing shall forfeit and lose only during his life, all Ecclesiastical and Spiritual Promotion, Benefice and Office, and every Temporal and Lay Promotion and Office, which he had solely at the time of such refusal made. 1 Eliz. c. 1. s. 20.**

Offences under this Act shall be proved by two witnesses.

**No person shall be indicted or arraigned for any offences made or revived by this Act, unless there be two sufficient Witnesses or more to testify and declare the said offences; and that such Witnesses, or so many of them as shall be living and within the Realm at the time of the Arraignment of the person indicted, shall be brought forth in person face to face before the party arraigned, and there shall testify and declare what they can say against the party so arraigned, if he require the same. s. 37.**

Who shall take the oath of supremacy and allegiance.

**All persons required by 1 Eliz. c. 1. to take the said Oath, and all persons which have taken Ecclesiastical Orders, being promoted or admitted to any Degree of Learning in any University, and all Schoolmasters and public and private Teachers of Children, and all persons taking any Degree of Learning in or at the Common Law, as well utter Barristers as Benchers, Readers, Ancients in any House of Court, Principal, Treasurers, and such as be of the Grand Company of every Inn of Chancery, and all Attornies, Prothonotaries, and Philizers towards the Laws, and all Sheriffs, Escheators, and Feodaries, and all Persons admitted to any Ministry or Office belonging to the Common Law, or any other Law to the execution of them, or to the**

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(1) But see also the Oaths at length in the Statute 1 G. 1. st. 2. c. 13.

Crown; and all other Officers or Ministers of any Court whatever, shall take the said Oath before being admitted to use or occupy any such Vocation, Office, Degree, Ministry, Room, or Service, and that in the open Court whereunto they belong, and if they do not belong to any Court, then such Oath to be taken in an open Place before a convenient Assembly to witness the same, and before such person as shall have admitted or called such person to any such Vocation, Office, &c. or before such other person as shall be assigned by Commission. 5 Eliz. c. 1. s. 5.

Before whom such oath shall be taken.

Archbishops and Bishops may tender or minister such Oath to any Spiritual Person within his diocese, as well in Places exempt as elsewhere. s. 6. And Commissioners may be appointed by the Lord Chancellor or Keeper of the Great Seal, to tender and minister such Oath to such persons as by their Commissions they shall be authorized to do. s. 7.

If any person appointed or compellable by this Act or by 1 Eliz. to take such Oath, or to whom such Oath shall be tendered by the Commissioners, shall refuse to take or pronounce the same, the party so refusing and being thereof lawfully indicted or presented within One Year after such refusal, and convicted or attainted at any time after, shall incur the penalties of Præmunire. 5 Eliz. c. 1. s. 8.

Penalty of præmunire on persons refusing to take the oath.

Limitation of prosecutions.

Persons having authority to tender the Oath shall, within Forty Days after such refusal if in Term, and if not at the First Day of the next full Term following such Forty Days, make a certificate under his hand and seal, of the Names, Places, and Degrees of the person so refusing into K. B., upon pain to forfeit £100. And the Sheriff of the County where the Court of K. B. shall for the time be held, shall impanel a Jury of such County to enquire upon such refusal, which Jury may, upon such certificate and other evidence, proceed to indict persons so offending in such sort as the same Jury may do of any offence committed in the County for which such Jury is so impanelled. s. 9.

Certificate of refusal to take the oath shall be certified into K. B.

when such offence shall be indictable.

Dyer, 234. Salk. 47.

Members of Parliament shall take the Oath before the Lord Steward or his Deputy, on pain of incapacity. s. 16.

Members of parliament.

Persons above the degree of a Baron not compellable to take the Oath. s. 17.

Barons.

No person shall be compelled to take the Oath upon the second offering of the same, except such person as shall wilfully refuse to observe the orders and rites for Divine Service to be used in the Church of England, after having been publicly, by the Ordinary or some of his Officers for Ecclesiastical Causes, admonished to

Who shall be compellable to take the oath upon a second tender.

observe the same, or such as shall openly and advisedly deprave any of the rites and ceremonies to be used in such Church, or shall say or hear private Mass; and such persons shall be compelled to take the Oath upon the second tender thereof, and incur the penalty for not taking the same. s. 20.

Barristers, &c.  
shall take the  
oaths of allegi-  
ance, &c.

If any person shall act as Serjeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary, by practising in any manner as such in any Court whatsoever, not having before the Time of such acting taken in the Court of Chancery, or King's Bench or Quarter Sessions where he lives, the Oaths mentioned in 1 W. & M. stat. 1. c. 8. and made and subscribed the Declaration appointed in 25 Car. 2. c. 2. he shall incur a Præmunire. 7, 8, W. 3. c. 24. (1)

Persons refusing  
to take the  
oaths, shall incur  
all the penalties  
of popish recu-  
sants convict.

All and every person and persons who shall refuse to take the Oaths mentioned and appointed to be taken in 1 W. & M. stat. 1. c. 8. or either of them, when tendered by any person lawfully authorized so to do, or shall refuse or neglect to appear when lawfully summoned to have the Oaths tendered, shall until he or they have taken such Oaths incur all the Pains and Penalties of Popish recusants convict; and the persons so tendering the said Oaths shall, upon every such Refusal or Default of Appearance, record and enter in Parchment the Christian and Surname and Place of Abode of the Party so refusing or not appearing with the Time of such Tender, Refusal or Default of Appearance; and certify such Record to the Justices of Assise, Oyer, Terminer, and Gaol Delivery, at their next Sessions within the said County, who shall estreat and certify the same into the Court of Exchequer, to be there entered of Record, that the said Court may issue such Process against the Lands and Goods of the person mentioned in such Certificate, as may be issued against the Lands or Goods of a Popish Recusant convict. 7, 8, W. 3. c. 27. s. 1.

By s. 12. Quakers scrupling to take such Oaths, may make, and subscribe the Declarations of Fidelity mentioned in 1 W. & M. st. 1. c. 18.

By the Stat. 30 Car. 2. st. 2. c. 1. s. 56. 1 G. 1. st. 2. c. 13. s. 16, 17, 22, no Peer or Member of the House of Peers shall vote or make his Proxy, or sit there during any Debate, and no Member of the House of Commons shall sit or vote there during any Debate, after the Speaker is chosen, until such Peer

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(1) Repealed as relates to Roman Catholics by 31 G. 3. c. 32. s. 22. as to such as bring themselves within that Act.

or Member shall take the Oaths of Allegiance and Supremacy, and make a Declaration therein specified of his Belief, that there is no Transubstantiation in the Sacrament of the Lord's Supper, and that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous, &c. on pain that every such Offender shall be adjudged a Popish Recusant convict, and disabled to hold or execute any Office, or from thenceforth to sit or vote in either House of Parliament, or to sue in Law or Equity, or to be Guardian, Executor or Administrator, or capable of any Legacy or Deed of Gift, and shall forfeit for every such wilful Offence the Sum of Five hundred Pounds. (And see the Statute 1 G. 1. st. 2. c. 13. s. 16, 17. post, page 652.)

The 9th, 10th, and 13th Clauses of the above-mentioned Stat. of Charles the Second, requiring every sworn Servant to the King to take the Oaths, and make and subscribe the Declaration, are repealed by the Stat 2. G. 2. c. 31. s. 9.

By the Statute 1 W. & M. c. 9. every Justice of the Peace in London and Westminster, and within ten miles thereof, shall cause to be arrested and brought before him all reputed Papists, (except Foreigners being Merchants, or menial Servants to some Ambassador or public Agent, &c.) and shall tender the above-mentioned Declaration to every such Person; and every such Person refusing the same, and afterwards remaining within the above Limits, or being certified by Justices out of those limits to B. R. or the Quarter Sessions for such Refusal, and neglecting to make the said Declaration in such Court, shall suffer as a Popish Recusant convict. See s. 10. of 1 G. 1. st. 2. c. 13. post, page 652.

By the Stat. 1 W. & M. c. 15. supposed Papists required by two Justices of Peace to make the said Declaration, and neglecting so to do, are restricted in the privilege of keeping Arms, Ammunition, and Horses at their pleasure, and by Stat. 1 W. & M. c. 26. from presenting to any Benefice. See post. s. 10. of 1 G. 1. st. 2. c. 13.

By Stat. 31 G. 3. c. 32. s. 18. (1) no Papist making and subscribing the Oath and Declaration therein contained, shall be prosecuted on the former Statutes.

The Stat. 1 G. 1. st. 2. c. 13. contains the form of the Oaths of Supremacy and Allegiance required by that Act to be taken by all Officers, Civil and Military, and all Ecclesiastical Persons

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(1) See this Statute under title RELIGION.



and Members of Colleges (being Eighteen Years of Age), and by all Teachers, or Readers in any University or elsewhere; and by all Schoolmasters and Ushers, Teachers and Preachers of separate Congregations, Constables, Serjeants at Law, Counsellors, Barristers, Advocates, Attornies, Solicitors, Proctors, Clerks, or Notaries practising in any Court, which Oaths are to be taken within Three Months (1) after they have been admitted into or entered upon any such Preferment, &c. or taken upon themselves such Employment, Practice or Business within one of the Courts at Westminster, or at the Quarter Sessions of the County where they reside, under Pain of Disability to hold or exercise such Offices, &c. upon neglect or refusal to take the said Oaths; and persons convicted in any of the Courts at Westminster, or at the Assises, of exercising such Offices or Employments without taking such Oaths, shall be disabled to sue, or to be Guardian, or Executor, or Administrator, or capable of any Legacy or Deed of Gift, or to be in any Office in Great Britain, or to vote for Members of Parliament, and shall forfeit 500*l.*, to be recovered by action, &c.

By s. 10. Two Justices of the Peace, or other Persons specially commissioned, may tender the said Oaths to any person whom they suspect to be dangerous or disaffected to his Majesty or his Government, and on their neglect or refusal to take the said Oaths, may certify the same to the next Quarter Sessions, which being there recorded, shall be from thence certified by the Clerk of the Peace into the Courts of Chancery or King's Bench; and every person so neglecting or refusing to take the said Oaths shall, from the Time of his Neglect or Refusal, be adjudged a Popish Recusant convict, and as such to forfeit and be proceeded against. By s. 11. the same Punishment attaches against such persons as, being lawfully summoned to appear and take the Oaths, neglect or refuse so to do.

These Provisions, so far as they relate to the summoning persons to take the Oaths of Supremacy and make the Declaration against Transubstantiation, required by 25. Car. 2. c. 2., are repealed by 31 G. 3. c. 32. s. 18.

By s. 16 & 17. no Peer of this Realm or Member of the House of Peers shall vote or make his Proxy, or sit there during any Debate, and no Member of the House of Commons shall vote or sit there during any Debate, after the Speaker is chosen, until such Peer or Member shall have taken the Oath of Abjura-

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(1) Extended to six months by Stat. 9 G. 2. c. 26. s. 4.



tion thereby required, and the Oaths of Allegiance and Supremacy, and made the Declaration against Transubstantiation, on pain of being disabled to sue, or to be a Guardian or Executor or Administrator, or capable of any Legacy, Deed, or Gift. or to be in any Office within Great Britain, or to vote at any Election for Members to serve in Parliament, and of forfeiting £500, to be recovered by Action, &c.

By s. 20. this Disability is not to extend to the Offices of any Tythingman, Headborough, Overseer of the Poor, Churchwarden, Surveyor of the Highways, or any like inferior Civil Office, or to any Office of Forester or Keeper of any Park, or certain other inferior or private Officers therein mentioned. By s. 22. persons obliged by any Law to receive the Sacrament, or make the Declaration against Transubstantiation, shall continue bound so to do.

*§ 2. Administering or taking unlawful Oaths.*

The Statute 37 G. 3. c. 129. intituled "An Act for more effectually preventing the administering or, taking of unlawful Oaths," recites that divers wicked and evil-disposed persons have of late attempted to seduce persons serving in his Majesty's Forces by Sea and Land, and others of his Majesty's Subjects, from their Duty and Allegiance to his Majesty, and to incite them to Acts of Mutiny and Sedition, and have endeavoured to give effect to their wicked and traiterous Proceedings, by imposing upon the persons whom they have attempted to seduce, the pretended Obligation of Oaths unlawfully administered; and then enacts, that any person or persons who shall in any Manner or Form whatsoever administer, or cause to be administered, or be aiding or assisting at, or present at and consenting to the administering or taking of any Oath or Engagement, purporting or intended to bind the person taking the same to engage in any mutinous or seditious purpose; or to disturb the public peace; or to be of any Association, Society, or Confederacy, formed for any such purpose; or to obey the Orders or Commands of any Committee or Body of Men not lawfully constituted; or of any Leader or Commander, or other person not having Authority by Law for that purpose; or not to inform or give Evidence against any Associate, Confederate, or other person; or not to reveal or discover any unlawful Combination or Confederacy; or not to reveal or discover any illegal Act done or to be done; or not to reveal or discover any illegal Oath or Engagement

Persons administering or being aiding, &c. or present or consenting to the administering of unlawful oaths, declared guilty of felony.

which may have been administered or tendered to or taken by such person or persons, or to or by any other person or persons, or the import of any such Oath or Engagement; shall, on Conviction thereof by due course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years not exceeding Seven Years; and every person who shall take any such Oath or Engagement, not being compelled thereto, shall, on Conviction thereof by due course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years not exceeding Seven Years. s. 1.

Persons compelled to take such oaths, not justified, unless they declare the same within four days.

Provided always, that Compulsion shall not justify or excuse any person taking such Oath or Engagement, unless he or she shall, within Four Days after the taking thereof, if not prevented by actual Force or Sickness, and then within Four Days after the hindrance produced by such Force or Sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the person or persons by whom and in whose presence, and when and where such Oath or Engagement was administered or taken, by Information on Oath before One of his Majesty's Justices of the Peace, or One of his Majesty's Principal Secretaries of State, or his Majesty's Privy Council; or in case the person taking such Oath or Engagement shall be in actual Service in his Majesty's Forces by Sea or Land, then by such Information on Oath as aforesaid, or by Information to his Commanding Officer. s. 2.

Persons aiding, &c. at taking such oaths, or causing them to be administered, though not present, shall be deemed principals.

Persons aiding and assisting at, or present at and consenting to the administering or taking of any such Oath or Engagement as aforesaid, and persons causing any such Oath or Engagement to be administered or taken, though not present at the administering or taking thereof, shall be deemed principal Offenders, and shall be tried as such, although the persons or person who actually administered such Oath or Engagement, if any such there shall be, shall not have been tried or convicted. s. 3.

In indictments it shall be sufficient to set forth the purport of such oaths.

It shall not be necessary in any Indictment against any person or persons administering, or causing to be administered or taken, or taking any such Oath or Engagement as aforesaid, or aiding or assisting at, or present at and consenting to the administering or taking thereof, to set forth the Words of such Oath or Engagement; and that it shall be sufficient to set forth the purport of such Oath or Engagement, or some material part thereof. s. 4.

Engagements in the nature of an oath, to be deemed an oath.

Provided always, that any Engagement or Obligation whatsoever, in the nature of an Oath, shall be deemed an Oath within

the Intent and Meaning of this Act, in whatever Form or Manner the same shall be administered or taken; and whether the same shall be actually administered by any person or persons to any other person or persons, or taken by any person or persons without any Administration thereof by any other person or persons. 37 G. 3. c. 123. s. 5.

Provided also, that any Offence committed against this Act on the High Seas, or out of this Realm, or within that Part of Great Britain called England, shall and may be prosecuted, tried, and determined before any Court of Oyer and Terminer or Gaol Delivery, for any County in that part of Great Britain called England, in such Manner and Form as if such Offence had been therein committed; and if committed in that Part of Great Britain called Scotland, shall and may be prosecuted, tried, and determined, either before the Justiciary Court at Edinburgh, or in any of the Circuit Courts in that part of the United Kingdom. s. 6.

Where offences committed out of England or on the high seas shall be prosecuted.

Provided also, that any person who shall be tried and acquitted or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same Offence or Fact, as High Treason, or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prevent any person guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason or Misprision of High Treason, in such manner as if this Act had not been made. s. 7.

Persons tried under this Act, shall not be tried again for the same offence; but if not so tried, may be tried as for high treason, &c.

The Statute 52 G. 3. c. 104., "to render more effectual an Act passed in the Thirty-seventh Year of his present Majesty, for preventing the administering or taking unlawful Oaths," recites the passing of the Statute 37 G. 3. c. 123., and that it is expedient that more effectual Provisions should be made as to certain Oaths; and then enacts, that every person who shall in any manner or form whatsoever, administer or cause to be administered, or be aiding or assisting at the administering of any Oath or Engagement, purporting or intending to bind the person taking the same to commit any Treason or Murder, or any Felony, punishable by Law with Death, shall, on conviction thereof by due course of Law, be adjudged guilty of Felony, and suffer Death as a Felon without Benefit of Clergy; and every person who shall take any such Oath or Engagement, not being compelled thereto, shall, on Conviction thereof by due course of Law, be adjudged guilty of Felony, and shall be transported

Punishing the administering and taking unlawful oaths.

as a Felon for the term of his natural Life, or for such term of Years as the Court before which the said Offender or Offenders shall be tried shall adjudge.

Persons compelled to take such oaths, not justified, unless they declare the same within fourteen days.

Provided always, that compulsion shall not justify or excuse any person taking such Oath or Engagement, unless he or she shall, within Fourteen Days after the taking thereof, if not prevented by actual Force or Sickness, and then within Fourteen Days after the hindrance produced by such Force or Sickness shall cease, declare the same, together with the whole of what he or she shall know touching the same, and the person or persons by whom, and in whose presence, and when and where such Oath or Engagement was administered or taken, by Information on Oath before one of his Majesty's Justices of the Peace, or one of his Majesty's Principal Secretaries of State, or his Majesty's Privy Council; or in case the person taking such Oath or Engagement shall be in actual Service in his Majesty's Forces by Sea or Land, then by such Information on Oath as aforesaid, or by Information to his Commanding Officer. s. 2.

Persons confessing before being charged, indemnified.

Provided also, that every person who before he shall be charged with any Offence under the said recited Act or this Act, in taking any Oath or Engagement described in the said recited Act or this Act, shall, within Three Months after the passing of this Act, appear before some Justice of the Peace or Magistrate, and declare the same, and the Oath or Engagement so taken, and when and where the same was taken, and in what manner, and who shall at the same time take before such Justice of the Peace or Magistrate, the Oath of Allegiance to his Majesty, shall be and is hereby indemnified against any Prosecution for any Offence under the said recited Act or this Act; and no confession so made by any such person shall be given in Evidence against the person making the same in any Court or in any case whatever. s. 3.

Persons aiding, &c. at such oaths, or causing them to be administered, though not present, to be deemed principals.

Persons aiding and assisting at the administering of any such Oath or Engagement as aforesaid, and persons causing any such Oath or Engagement to be administered, though not present at the administering thereof, shall be deemed principal Offenders, and shall be tried as such, and on conviction thereof by due course of Law, shall be adjudged guilty of Felony, and shall suffer Death as Felons, without Benefit of Clergy, although the persons or person who actually administered such Oath or Engagement, if any such there shall be, shall not have been tried or convicted. s. 4.

And be it further enacted, that it shall not be necessary in any Indictment against any person or persons administering or causing to be administered or taken, or taking any such Oath or Engagement as aforesaid, or aiding or assisting at, or present at and consenting to the administering or taking thereof, to set forth the Words of such Oath or Engagement, and that it shall be sufficient to set forth the purport of such Oath or Engagement, or some material Part thereof. 52 G. 3. c. 104. s. 5.

In indictments it shall be sufficient to set forth the purport of such oaths.

Provided always, that any Engagement or Obligation whatsoever, in the Nature of an Oath, purporting or intending to bind the person taking the same to commit any Treason or Murder, or any Felony punishable by Law with Death, shall be deemed an Oath within the intent and meaning of this Act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person or persons to any other person or persons, or taken by any other person or persons without any Administration thereof by any other person or persons. s. 6.

Engagement in the nature of an oath to be deemed one, &c.

Provided also, that any Offence committed against this Act, on the High Seas or out of this Realm, or within that part of Great Britain called England, shall and may be prosecuted, tried, and determined before any Court of Oyer and Terminer or Gaol Delivery, for any County, in that Part of Great Britain called England, in such manner and form as if such Offence had been therein committed; and if committed in that Part of Great Britain called Scotland, shall and may be prosecuted, tried and determined, either before the Justiciary Court at Edinburgh, or in any of the Circuit Courts in that Part of the United Kingdom. s. 7.

Where offences may be prosecuted.

Provided also, and it is hereby declared, that any person who shall be tried and acquitted or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same Offence or Fact, as High Treason or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prohibit any person guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason or Misprision of High Treason, in such manner as if this Act had not been made. s. 8.

Persons tried under this Act not to be tried again for the same offence, but if not so tried, may be tried as for high treason, &c.

## Officers.

Regist. 184.  
Rant. 686.  
Persons keeping  
assise of victuals  
and wines in  
cities and bo-  
roughs, shall not  
deal therein.

To the common Profit of the People it is agreed, that no Officer in City or in Borough, that by reason of his office ought to keep Assises of Wines and Victuals, so long as he is attendant to that office, shall not merchandize for Wines nor Victuals, neither in gross nor by retail; and if any do, and be convicted thereof, the Merchandise whereof he is convict shall be forfeit to the King, and the third part thereof shall be delivered to the party that sued the offender, as the King's Gift; and in such case, he that will suefor a thing so forfeited, shall be received: and the Chancellor, Treasurer, Barons of the Exchequer, Justices of either Bench, and Justices assigned to take Assises, shall admit such Plaints by Writs and without Writs, and shall determine them, and shall perform all things contained in these Articles, in form abovesaid: and nevertheless, the King may assign his Justices to execute this thing in Cities and Boroughs, when and where it pleaseth him. 12 Ed. 2. c. 6. See the Statute 3 H. 8. c. 8., establishing Regulations as to assessing the price of Victuals when a Victualler is Chief Officer.

## Offices (SALE OF).

Certain officers  
shall not be ap-  
pointed for gifts.

It is accorded, that the Chancellor, Treasurer, Keeper of the Privy Seal, Steward of the King's House, the King's Chamberlain, Clerk of the Rolls, the Justices of the one Bench and of the other, Barons of the Exchequer, and all others that shall be called to ordain, name, or make Justices of Peace, Sheriffs, Escheators, Customers, Comptrollers, or any other Officer or Minister of the King, shall be firmly sworn that they shall not ordain, name, or make Justices of Peace, Sheriff, Escheator, Customer, Comptroller, nor other Officer or Minister of the King, for any Gift or Brocage, Favour or Affection; nor that none which pursueth by him or by other, privily or openly, to be in any manner Office, shall be put in the same Office, or in any other, but that they make all such Officers and Ministers of the best and most lawful Men, and sufficient to their Estimation and Knowledge. 12 R. 2. c. 2.

The Statute 5, 6 Ed. 6. c. 16. intituled "Against buying and selling of Offices," recites, that for the avoiding of Corruption which may hereafter happen to be in the Officers and Ministers in those Courts, Places, or Rooms, wherein there is requisite to be had the true Administration of Justice or services of Trust; and to the intent that persons worthy and meet to be advanced



to the place where Justice is to be ministered, or any service of Trust executed, should hereafter be preferred to the same and no other; and then enacts, that if any person or persons at any time hereafter bargain or sell any Office or Offices, or Deputation of any Office or Offices, or any part or parcel of any of them, or receive, have, or take any Money, Fee, Reward, or any other profit, directly or indirectly, or take any Promise, Agreement, Covenant, Bond, or any Assurance, to receive or have any Money, Fee, Reward, or other profit, directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any Office or Offices, or the Deputation of any Office or Offices, or any part of any of them, which Office or Offices, or any part or parcel of them, shall in anywise touch or concern the Administration or Execution of Justice, or the Receipt, Controlment, or Payment of any of the King's Highness Treasure, Money, Rent, Revenue, Account, Aulnage, Auditorship, or surveying of any of the King's Majesty's Honors, Castles, Manors, Lands, Tenements, Woods, or Hereditaments, or any of the King's Majesty's Customs, or any other Administration or necessary Attendance to be had, done, or executed in any of the King's Majesty's Custom House or Houses, or the keeping of any of the King's Majesty's Towns, Castles, or Fortresses, being used, occupied, or appointed for a place of strength and defence, or which shall concern or touch any Clerkship to be occupied in any manner of Court of Record, wherein Justice is to be ministered, that then all and every such person and persons that shall so bargain or sell any of the said Office or Offices, Deputation or Deputations, or that shall take any Money, Fee, Reward, or Profit for any of the said Office or Offices, Deputation or Deputations of any of the said Offices, or any part of any of them, or that shall take any Promise, Covenant, Bond, or Assurance for any Money, Reward, or Profit to be given for any of the said Office or Offices, Deputation or Deputations of any of the said Office or Offices, or any part of any of them, shall not only lose and forfeit all his and their right, interest, and estate which such person or persons shall then have of, in, or to any of the said Office or Offices, Deputation or Deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said Office or Offices, Deputation or Deputations, for the which Office or Offices, or for the Deputation or Deputations of which Office or Offices, or for any part of any

The bargain or sale of certain offices prohibited.



on pain of forfeiture and incapacity.

of them, any such person or persons shall so make any Bargain or Sale, or take or receive any Sum of Money, Fee, Reward, or Profit, or any Promise, Covenant, or Assurance to have or receive any Fee, Reward, Money, or Profit, but also that all and every such person or persons that shall give or pay any Sum of Money, Reward, or Fee, or shall make any Promise, Agreement, Bond, or Assurance for any of the said Offices, or for the Deputation or Deputations of any of the said Office or Offices, or any part of any of them, shall immediately by and upon the same Fee, Money, or Reward given or paid, or upon any such Promise, Covenant, Bond, or Agreement had or made for any Fee, Sum of Money, or Reward, to be paid as is aforesaid, be adjudged a disabled person in the Law to all intents and purposes, to have, occupy, or enjoy the said Office or Offices, Deputation or Deputations, or any part of any of them, for the which such person or persons shall so give or pay any Sum of Money, Fee, or Reward, or make any Promise, Covenant, Bond, or other Assurance to give or pay any Sum of Money, Fee, or Reward. s. 2.

Such bargains and sales, &c. void.

All and every such Bargains, Sales, Promises, Bonds, Agreements, Covenants, and Assurances, as be before specified, shall be void to and against him and them by whom any such Bargain, Sale, Bond, Promise, Covenant, or Assurance shall be had or made. s. 3.

To what offices this Act shall not extend.

Provided always, that this Act, or any thing therein contained, shall not in anywise extend to any Office or Offices, whereof any person or persons is or shall be seised of any Estate of Inheritance, nor to any Office of Parkership, or of the keeping of any Park, House, Manor, Garden, Chase, or Forest, or to any of them; any thing in this Act heretofore mentioned to the contrary thereof in anywise notwithstanding. s. 4.

Acts done by officers removable shall be valid.

Provided also, that if any person or persons do hereafter offend in any thing contrary to the tenor and effect of this Act, yet that notwithstanding all Judgments given, and all other Act and Acts executed or done by any such person or persons so offending, by authority or colour of the Office or Deputation which ought to be forfeited or not occupied or not enjoyed by the person so offending as is aforesaid, after the said Offence so by such person committed or done, and before such person so offending for the same Offence be removed from the exercise, administration, and occupation of the said Office or Deputation, shall be and remain good and sufficient in Law, to all intents, constructions, and purposes, in such like manner and form as the

same should or ought to have remained and been if this Act had never been had or made. 5, 6 Ed. 6. c. 16. s. 5.

Provided always, that this Act, or any thing therein contained, shall not in anywise extend or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called the King's Bench or Common Place, or to any of the Justices of Assise that now be or hereafter shall be, but that they and every of them may do in every behalf touching or concerning any Office or Offices to be given or granted by them, or any of them, as they or any of them might have done before the making of this Act; any thing above mentioned to the contrary in anywise notwithstanding. s. 7.

This Act not to extend to offices given by the Chief Justices or Judges of Assise.

The Statute 49 G. 3. c. 126. "for the further Prevention of the Sale and Brokerage of Offices," recites the foregoing Statute of Ed. 6. and then declares and enacts, that from and after the passing of this Act, the said Act and all the Provisions therein contained shall extend and be construed to extend to Scotland and Ireland, and to all Offices in the Gift of the Crown or of any Office appointed by the Crown, and all Commissions Civil, Naval or Military, and to all Places and Employments, and to all Deputations to any such Offices, Commissions, Places, or Employments in the respective Departments or Offices, or under the Appointment or Superintendence and Control of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the Office of Lord High Admiral, the Master General and principal Officers of His Majesty's Ordnance, the Commander in Chief, the Secretary at War, the Paymaster General of His Majesty's Forces, the Commissioners for the Affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary General, the Storekeeper General, and also the principal Officers of any other public Department or Office of His Majesty's Government in any Part of the United Kingdom, or in any of His Majesty's Dominions, Colonies, or Plantations which now belong or may hereafter belong to His Majesty, and also to all Offices, Commissions, Places and Employments belonging to or under the Appointment or Control of the United Company of Merchants of England trading to the East Indies, in as full and ample a Manner as if the Provisions of the said Act were repeated as to all such Offices, Commissions, Places and Employments, and made Part of this Act; and the said Act and this Act, and

Provisions of 5 & 6 Ed. 6. c. 16. extended to other offices.

all the Clauses and Provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

When right of appointment forfeited, to go to His Majesty.

Provided always, that where the Right, Estate, or Interest of any Person or Persons shall be forfeited under any of the Provisions of the said Act or this Act, the Right of such Appointment shall immediately vest in and belong to his Majesty, his Heirs and Successors. 49 G. 3. c. 126. s. 2.

Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor.

From and after the passing of this Act, if any Person or Persons shall sell or bargain for the Sale of, or receive, have, or take any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, directly or indirectly, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or shall by any Way, Device, or Means, contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward or Profit, directly or indirectly, and also if any Person or Persons shall purchase or bargain for the Purchase of, or give or pay any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, or make or enter into any Promise, Agreement, Covenant, Contract, Bond or Assurance to give or pay any Money, Fee, Gratuity, Loan of Money, Reward or Profit, or shall by any Way, Means, or Device, contract or agree to give or pay any Money, Fee, Gratuity, Loan of Money, Reward or Profit, directly or indirectly, for any Office, Commission, Place or Employment specified or described in the said recited Act or this Act, or within the true Intent or Meaning of the said Act or this Act, or for any Deputation thereto, or for any Part, Parcel, or Participation of the Profits thereof, or for any Appointment or Nomination thereto or Resignation thereof, or for the Consent or Consents or Voice or Voices of any Person or Persons to any such Appointment, Nomination or Resignation, then and in every such case, every such Person, and also every Person who shall wilfully and knowingly aid, abet or assist such Person therein, shall be deemed and adjudged guilty of a Misdemeanor. s. 3.

Persons receiving or paying money for soliciting offices, and any negotiations or pretended negotiations relating thereto, guilty of a misdemeanor.

From and after the passing of this Act, if any Person or Persons shall receive, have, or take any Money, Fee, Reward, or Profit, directly or indirectly, or take any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or by any Way, Means, or Device, contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward or Profit, directly or indirectly, for any Interest, Solicitation, Petition, Request, Recommendation, or Negotiation whatever, made or to

be made, or pretended to be made, or under any Pretence of making or causing or procuring to be made any Interest, Solicitation, Petition, Request, Recommendation or Negotiation, in or about or in anywise touching, concerning, or relating to any Nomination, Appointment, or Deputation to or Resignation of any such Office, Commission, Place or Employment as aforesaid, or under any Pretence for using or having used any Interest, Solicitation, Petition, Request, Recommendation or Negotiation, in or about any such Nomination, Appointment, Deputation or Resignation, or for the obtaining or having obtained the Consent or Consents or Voice or Voices of any Person or Persons as aforesaid to such Nomination, Appointment, Deputation, or Resignation; and also if any Person or Persons shall give or pay or cause or procure to be given or paid any Money, Fee, Gratuity, Loan of Money, Reward or Profit, or make or cause or procure to be made any Promise, Agreement, Covenant, Contract, Bond or Assurance, or by any Way, Means, or Device, contract or agree or give or pay, or cause or procure to be given or paid, any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, for any Solicitation, Petition, Request, Recommendation or Negotiation whatever, made or to be made, that shall in anywise touch, concern, or relate to any Nomination, Appointment, or Deputation to or Resignation of any such Office, Commission, Place, or Employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the Consent or Consents or Voice or Voices of any Person or Persons as aforesaid to any such Nomination, Appointment, Deputation, or Resignation; and also if any Person or Persons shall, for or in expectation of Gain, Fee, Gratuity, Loan of Money, Reward, or Profit, solicit, recommend, or negotiate in any Manner for any Person or Persons in any Matter that shall in anywise touch, concern, or relate to any such Nomination, Appointment, Deputation or Resignation aforesaid, or for the obtaining, directly or indirectly, the Consent or Consents or Voice or Voices of any Person or Persons to any such Nomination, Appointment, or Deputation or Resignation aforesaid, then and in every such case every such Person, and also every Person who shall wilfully and knowingly aid, abet, or assist such Person therein, shall be deemed and adjudged guilty of a Misdemeanor. 49 G. 3. c. 126. s. 4.

And whereas on the pretence of negotiating or soliciting the Sale, Transfer, or Appointment of any Office or Offices which under the exception of this Act or otherwise it may be lawful to sell, Offices for negotiating the same, and Advertisements may

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

be published, by means and under the colour of which illegal Transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any House, Room, Office, or Place for the soliciting, transacting, or negotiating in any manner whatever any business relating to Vacancies in, or the Sale or Purchase of, or Appointment, Nomination, or Deputation to, or Resignation, Transfer, or Exchange of any Offices, Commissions, Places, or Employments whatever in or under any Public Department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a Misdemeanor. 49 G. 3. c. 126. s. 5.

Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

If any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published, any House, Room, Office, or Place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the Name or Names of any person or persons as Broker or Brokers, Agent or Agents, Solicitor or Solicitors for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any Advertisement or Advertisements, Proposal or Proposals for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such Offence the Sum of Fifty Pounds, to be sued for, levied, or recovered in any of his Majesty's Courts of Record at Westminster, as to all Offences committed in England, or at Dublin as to Offences committed in Ireland, or in His Majesty's Courts in Scotland as to Offences committed in Scotland respectively; and the whole of every such Penalty shall go to the person who shall sue for the same, with full Costs of Suit. s. 6.

Act not to extend to purchase or sale of commissions for the regulated prices, or authorized regimental agents acting in such cases according to regulation, without fee or reward.

Provided always, that nothing in this Act contained shall extend or be construed to extend to any Purchases, Sales, or Exchanges of any Commissions or Appointments in the honourable Band of Gentlemen Pensioners, or in his Majesty's Yeoman Guard, or in the Marshalsea, and the Court of the King of the Palace of the King at Westminster, or to extend to any Purchases, Sales, or Exchanges of any Commissions in his Majesty's Forces for such Prices as shall be regulated and fixed by any Regulation made or to be made by his Majesty in that behalf, or to any act or thing done in relation thereto by any Agents, provided that such Agents shall be Agents of Regiments authorized by the Commander in Chief of his Majesty's

Forces, or by the Colonels or Commandants of Regiments or Corps, and shall act therein under such Regulations only as are or shall from time to time be established by his Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any Advertisement or Advertisements, Proposal or Proposals, for any Purchase or Sale or Exchange of any Commission, or any Negotiation relating thereto, and shall not receive or take any Money, Fee, Gratuity, or Reward, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or by any Way, Means, or Device, contract or agree to receive or have any Money, Fee, Gratuity, or Reward, for acting in such behalf. 49 G. 3. c. 126. s. 7. (See further exceptions page 666.)

Provided also, that every Officer in his Majesty's Forces, who shall take, accept, or receive, or pay, or agree to pay, any larger Sum of Money, directly or indirectly, than what is allowed by any Regulations made by his Majesty in relation to the Purchase, Sale, or Exchange of Commissions in his Majesty's Forces, or who shall pay, or cause to be paid, any Sum of Money to any Agent or Broker, or other person, for negotiating the Purchase or Sale or Exchange of any such Commission, shall, on being convicted thereof by a General Court-martial, forfeit his Commission, and be cashiered; and as an Encouragement for the Detection of such Practices, such Commission so forfeited shall be sold, and half the regulated Value (not exceeding Five hundred Pounds) shall be paid to the Informer, and the other half, or the remainder if more than Five hundred Pounds, shall go and be applied as his Majesty shall order and direct by any Regulations from time to time made in that behalf: Provided also, that every person who shall sell his Commission in his Majesty's Forces, and not continue to hold any Commission in his Majesty's Forces, and shall, upon or in relation to such Sale, take, accept, or receive, directly or indirectly, any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, or any Promise, Agreement, Covenant, Contract, Bond, or Assurance, or shall by any device or means contract or agree to receive or have any Money, Fee, Gratuity, Loan of Money, Reward, or Profit, beyond the regulated price or value of the Commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a Misdemeanor within the provisions of this Act. s. 8.

Officers in army giving more than regulated prices, or paying agents for negotiating, to forfeit their commissions, and be cashiered; their commissions to be sold, and half of the produce, when not exceeding a certain sum, to go to informer.

Provided always, that nothing in this Act contained shall extend or be construed to extend to any Office excepted from the

Act not to extend to offices excepted in former



act, nor to securities or transactions under legal securities.

provisions of the said Act passed in the Sixth Year of the Reign of King Edward the Sixth, against buying and selling of Offices, or to any Office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any Office of which such person is or shall be possessed under any Patent or Appointment for his Life, or to render invalid, or in any manner to affect any Promise, Agreement, Covenant, Contract, Bond, Assurance, or Trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid Promise, Agreement, Covenant, Contract, Bond, Assurance, or Trust, in Law or Equity, or to any Money paid, or to any Act, Matter, or Thing done in pursuance of any such Promise, Agreement, Covenant, Contract, Bond, or Assurance. s. 9.

Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

Provided also, that nothing in this Act contained shall extend or be construed to extend to prevent or make void any Deputation to any Office, in any case in which it is lawful to appoint a Deputy, or any Agreement, Contract, Bond, or Assurance lawfully made in respect of any Allowance, Salary, or Payment made or agreed to be made by or to such Principal or Deputy respectively, out of the Fees or Profits of such Office. s. 10.

Act not to extend to annual payments out of the fees of any office, to any person formerly holding such office.

Provided also, that nothing in the said Act or in this Act contained shall extend to any annual Reservation, Charge, or Payment made or required to be made out of the Fees, Perquisites, or Profits of any Office to any person who shall have held such Office, in any Commission or Appointment of any person succeeding to such Office, or to any Agreement, Contract, Bond, or other Assurance made for securing such Reservation, Charge, or Payment: Provided always, that the Amount of such Reservation, Charge, or Payment, and the Circumstances and Reasons under which the same shall have been permitted, shall be stated in the Commission, Patent, Warrant, or Instrument of Appointment of the person so succeeding to and holding such Office, and paying or securing such Money as aforesaid. s. 11.

The Offices of Masters and Six Clerks, and First and Second Examiners of the Court of Chancery in Ireland, exempted from the Provisions of this Act whilst held by the present Possessors. s. 12.

By Statute 53 G. 3. c. 54. it is enacted, that the foregoing Act 49 G. 3. c. 126. s. 7. for preventing the Purchase, Sale, Exchange, or Brokerage of Offices, shall not extend to any Purchases, Sales, or Exchanges of any Commissions or Appointments in his Majesty's Battle-axe Guards in Ireland.



Provided always, that every person who shall commit, in Scotland, any Offence against this Act, which by the Provisions of the same is constituted a Misdemeanor, shall be liable to be punished by Fine and Imprisonment, or by the one or the other of such Punishments, as the Judge or Judges before whom such Offender shall be tried and convicted may direct. 49 G. 3. c. 126. s. 13.

Manner of punishing offenders in Scotland.

All Offences committed against the Provisions of the said recited Act and this Act, by any Governor, Lieutenant Governors, or Person having the chief Command, Civil or Military, in any of his Majesty's Dominions, Colonies, or Plantations, or his or their Secretary or Secretaries, may and shall be prosecuted and enquired of, and heard and determined, in his Majesty's Court of King's Bench at Westminster, in like manner as any Crime, Offence, or Misdemeanor committed by any person holding a public Employment abroad, may be prosecuted and enquired of under the provisions of an Act passed in the Forty-second Year of the Reign of his present Majesty. [42 G. 3. c. 85.] s. 14.

Offences committed in the colonies shall be tried in King's Bench in England by virtue of 42 G. 3. c. 85.

## Outlawry.

(And see title TREASON.)

And whereas it is agreeable to Justice that Proceedings in Criminal Causes should be as public and notorious as in Civil Cases, because the consequences to persons outlawed in Criminal Causes are more fatal and dangerous to them and their Posterity than in any other causes; be it enacted, that upon the issuing of any Exigent out of any of their Majesty's Courts against any person for any Criminal matter, before Judgment or Conviction, there shall issue out a Writ of Proclamation bearing the same test and return to the Sheriff or Sheriffs of the County, City, or Town Corporate where the person or persons in the Record of the said Proceedings is or are mentioned to be or inhabit, according to the form of the Statute (31 Eliz. c. 3.) which Writ of Proclamation shall be delivered to the said Sheriff or Sheriffs Three Months before the return of the same. 4, 5 W. & M. c. 22. s. 4.

In outlawry in criminal cases there shall issue a writ of proclamation with the writ of exigent.

Writ of proclamation to be delivered to the Sheriff three months before the return.

This Act is made perpetual by 7, 8 W. 3. c. 36. s. 4.

## Palaces.

The Statute 33 H. 8. c. 12. recites, that “ where Treasons, Misprisions of Treasons, Murders, Manslaughters, and other malicious Strikings, by reason whereof Blood is or shall be shed against the King’s Peace, been often and many Times done and committed within the Limits of the King’s Palace or House, or other House or Houses, where and when his Majesty is there demurrant and abiding in his own most Royal Person, which Offences when they be done be best known by his Highness Officers and Ministers of his most honourable Houshold, and by his Majesty’s Servants of the Chequer-Roll; and if his Majesty shall happen to remove from such his Palace or House, or other House or Houses where such Offences were done, before the Trial or Determination thereof, then such Offences might not lawfully be tried, heard and determined by and before the said Officers, but be remitted to be tried and determined by the order of the Common Laws of this Realm; by reason whereof the Punishment of the said Offenders in such cases hath been long delayed, and sometimes their Offences forgotten and not remembered, and so escape unpunished;” and then enacts, that all Treasons, Misprisions of Treasons, Murders, Manslaughters, Bloodsheds and malicious Strikings, by reason whereof Blood is or shall be shed against the King’s Peace, which hereafter shall be done within any the Palaces or Houses of his Highness or his Heirs, or any other House or Houses, at such Time as his Majesty hereafter shall happen to be then demurrant or abiding in his Royal Person, shall be from henceforth inquired of, tried, heard and determined within any of the King’s Palaces or Houses, or other House or Houses where his Majesty or his Heirs shall hereafter repair unto or be abiding, in Manner and Form following, that is to say, before the Lord Great Master or Lord Steward for the time being of the King’s most honourable Houshold, and of his Heirs and Successors; and in the Absence of the said Lord Great Master or Lord Steward of the Houshold, before the Treasurer and Comptroller for the time being of the King’s most honourable Houshold, and of his Heirs and Successors, and Steward of the Marshalsey for the time being, or two of them, whereof the Steward of the Marshalsey for the time being to be one, by virtue of their Offices, without any Commission or other Authority or Power, other than by the Authority of this present Act, to be given unto them or any of them; which Steward of the Marshalsey shall be

Before whom  
and in what man-  
ner treasons,  
murders, man-  
slaughters and  
malicious striking  
in palaces or  
royal residences  
shall be tried.

4 Inst. 133.

for ever from time to time assigned and appointed by Writing under the Seal of the said Lord Great Master, or Lord Steward for the time being: And whether the King's Majesty or his Heirs hath or at any Time hereafter shall be removed from the Palace, House or Houses, where such Offences were or shall be done, or not removed before they be inquired of, tried, heard and determined, yet such Offences shall, by the authority of this Act, always from henceforth be inquired of, tried, heard and determined before the King's Majesty and his Heirs, Officers and Ministers of his Houshold before named, or two of them, as is aforesaid, by the Inquisition and Verdict of his Highness and his Heirs houshold Servants, in his or their Check-Roll, in manner and form as before and hereafter is expressed in this present Act, and at such Palace, House or Houses, where his Majesty or his Heirs shall be at any Time hereafter demurrant or abiding.

And that all such returns of process, and all executions and judgments concerning the Premises, shall be had and done by the Officers before and hereafter expressed, and in manner and form as before and hereafter in this present Act is contained.

33 H. 8. c. 12. s. 2.

And that all Inquisitions upon the view of persons slain, or hereafter to be slain within any of the King's said Palaces or Houses, or other House or Houses as aforesaid, shall be by authority of this Act had and taken hereafter for ever by the Coroner for the time being of the Houshold of our Sovereign Lord the King, or his Heirs, without any adjoining or assisting of any other Coroner of any Shire within this Realm, by the oath of twelve or mo of the Yeomen Officers of the King and his Heirs most honourable Houshold, returned by the two Clerks Comptrollers, the Clerks of the Check, and the Clerks Marshals, or one of them for the time being, of the said Houshold, to whom the said Coroner of the same Houshold shall direct his Precept; which Coroner of our said Sovereign Lord the King's Houshold shall be from time to time named, appointed, and assigned by the said Lord Great Master, or Lord Steward for the time being: and that the said Coroner of the said Houshold shall, from time to time for ever, without delay, certify under his seal, and the seals of such persons as shall be sworn before him, all such Inquisitions, Indictments, and Offices upon the view of all dead Bodies which hereafter shall be slain within any the King's said Palaces or Houses, or other House or Houses aforesaid, before the said Lord Great Master or Lord Steward,

The duty of the  
Coroner of the  
king's houshold.

and in his absence before the Treasurer, Comptroller, and Steward of the Marshalsey aforesaid, or before two of them, whereof the said Steward of the Marshalsey to be one: and that such Inquisitions and Offices so certified shall be deemed, adjudged and taken for ever as good and effectual in the Law to all intents, constructions, and purposes, as any Inquisition taken upon view of the Body of any person being dead by any Coroner of any County of this Realm hath been or shall be adjudged or taken. 33 H. 8. c. 12. s. 3.

The yeomen officers shall enquire of such offences.

The two Clerks Comptrollers, Clerks of the Check, and Clerks Marshals for the time being of the King's said Houshold, and of his Heirs, or one of them for ever, upon a Precept to them, or to any of them hereafter to be made by the said Lord Great Master or Lord Steward, or in the absence of the said Lord Great Master or Lord Steward, by the said Treasurer and Comptroller of the King's most honourable Houshold, and the said Steward of the Marshalsey, or by two of them, whereof the said Steward of the Marshalsey to be one, shall have full power to summon, warn, and return the names of twentyfour persons, being Yeomen Officers of the King's said Houshold, and of his Heirs, in the said Check Roll, to enquire of such Treasons, Misprisions of Treasons, Murders, Manslaughters, and other malicious Strikings, by reason whereof blood is or shall be shed against the King's Peace, before the said Lord Great Master or Lord Steward, and in his absence before the said Treasurer, Comptroller, and Steward of the Marshalsey, or before two of them at the least, whereof the Steward to be one. s. 4.

And that it shall be lawful to the said Lord Great Master or Lord Steward, and in his absence to the said Treasurer, Comptroller, and the said Steward aforesaid, or two of them, whereof the said Steward to be one, before whom such returns shall be so made as is aforesaid, to cause such number of the said twentyfour persons so returned above the number of twelve persons, as to him or them shall seem expedient, to enquire of such Treasons, Misprisions of Treasons, Murders, Manslaughters, and other malicious Strikings, by reason whereof blood is or shall be shed, against the King's Peace, within the said Palaces or Houses, or other the said House or Houses, sith the said Feast of All Saints, or at any time hereafter shall be committed or done within the said Palace or House, or other the said House or Houses. s. 5.

How such offenders shall be arraigned and tried.

And if any person or persons be indicted by the said Jury so sworn before them as is aforesaid, or by Inquisition before the

said Coroner of the said Houshold, and certified before the said Lord Great Master or Lord Steward, or in the absence of the said Lord Great Master or Lord Steward, before the said Treasurer, Comptroller, and Steward, or before two of them, whereof the said Steward to be one as is aforesaid, that then immediately, without delay, the said Lord Great Master or Lord Steward, and in his absence the said Treasurer, Comptroller, and Steward, or two of them, whereof the said Steward to be one, before whom the said Presentment, Inquisition, or Indictment shall be so found, or certified by the same Coroner of the same Houshold, shall arraign before them all and every such person and persons so indicted, according to the course of the Common Law of this Realm, and forthwith, after Issue joined between the King and our Sovereign Lord, his Heirs or Successors, and the Prisoners so arraigned, the same day and place, or any other day and place, at the pleasure of the said Lord Great Master or Lord Steward, and in his absence at the pleasure of the said Treasurer, Comptroller, and Steward of the Marshalsey, or two of them, as is aforesaid, shall make another Precept to the said Clerks Comptrollers, Clerks of the Check, and Clerks Marshals for the time being of the said Houshold, or to one of them, to summon and return one other Jury of Twentyfour persons, to appear before the said Lord Great Master or Lord Steward, and in his absence before the said Treasurer, Comptroller, and Steward of the Marshalsey, or before two of them, whereof the same Steward to be one, at such day, time, and place, and upon such pain, as shall be then limited and appointed, of the Servants and Gentlemen Officers of the King's Chamber, his Heirs and Successors, and of the said Housholds, which now take or hereafter shall take wages by the King's Chequer Roll; and that the said Lord Great Master or Lord Steward (if he be there present), or in his absence the said Treasurer, Comptroller, and Steward of the said Marshalsey, or two of them, whereof the same Steward to be one, before whom such Jury shall be so returned, shall cause Twelve of the same Jury to be sworn, without any manner of Challenge to be had or allowed for any manner of cause to any of the said Jury (malice only excepted), truly to be tried between our said Sovereign Lord the King and his Heirs, and such person and persons as shall be so indicted and arraigned of such Treasons, Misprisions of Treasons, Murders, Manslaughters, and other Malicious Strikings, by reason whereof Blood is or shall be shed against the King's Peace, or any of them; and if any

Their punish-  
ment.

Offenders mali-  
ciously striking  
in any palace or  
royal residence,  
shall have their  
right hand  
stricken off,

and suffer per-  
petual imprison-  
ment, &c.

What officers  
shall be attend-  
ant on the exe-  
cution of such  
punishment.

The chief  
Surgeon,

such person or persons so indicted and arraigned be found guilty of any Treason, Misprision of Treason, Murders, or Man-slaughters, that then all and every such person and persons so found guilty, shall have Judgment of Life and Member, and suffer such pains of Death, and shall forfeit all their Manors, Lands, Tenements, Goods, and Chattels, in like manner and form as if the same person and persons had been found guilty of any the said Offences by the order of the Common Laws of this Realm, without allowing to any such person or persons so found guilty of any of the same Offences, the benefits of his or their Clergy, or Privilege of any Sanctuary. 33 H. 8. c. 12. s. 6.

And if any person or persons so arraigned be found guilty for Malicious Striking, by reason whereof Blood is, hath been, or shall be shed against the King's Peace within the said Palace or House, or any other House, or any other the said House or Houses, that then every such person or persons shall from henceforth have Judgement by the said Lord Great Master or Lord Steward (if he be present), and in his absence by the other aforementioned, before whom such person and persons shall be so found guilty, to have his Right Hand stricken off before the said Lord Great Master or Lord Steward, if he be there present, and in his absence before the said Treasurer, Comptroller, and Steward of the Marshalsey, or two of them at the least, whereof the said Steward to be one, and at such place or time as he or they before whom such person or persons shall be so found guilty, shall appoint Execution to be done; and the same Execution to be done by such person as the said Lord Great Master or Lord Steward, if he be there present, and in his absence, as the said Treasurer, Comptroller, and Steward of the Marshalsey, or two of them, whereof the Steward to be one, shall name or appoint, and also shall have Judgement to have perpetual Imprisonment during his Life, and shall pay Fine and Ransom at the King's Majesty's Pleasure, his Heirs and Successors. s. 7.

And for the further Declaration of the solemn and due Circumstance of the Execution appertaining, and of long time due and accustomed to and for such malicious strikings by reason whereof Blood is, hath been, or hereafter shall be shed against the Peace, it is therefore enacted, that the Sargeant or Chief Surgeon for the time being, or his Deputy, of the King's Household, his Heirs and Successors, shall be ready at the time and place of Execution as shall be appointed as is aforesaid, to sear the Stump when the Hand is stricken off. s. 8.



And the Sargeant of the Pantry for the time being of the same Houshold, or his Deputy, shall be also then and there ready to give Bread to the party that shall have his Hand so stricken off. 33 H. 8. c. 12. s. 9. Sargeant of the Pantry,

And the Sargeant of the Celler for the time being of the same Houshold, or his Deputy, shall also be then and there ready with a pot of Red Wine, to give the same party drink after his Hand is so stricken off, and the stump seared. s. 10. and of the Celler,

And the Sargeant of the Ewry for the time being of the same Houshold, or his Deputy, shall also be then and there ready with Clothes sufficient for the Surgeon to occupy about the same Execution. s. 11. and Ewry.

And the Yeoman of the Chandry for the time being of the same Houshold, or his Deputy, shall also be then and there, and have in readiness seared Clothes sufficient for the Surgeon to occupy about same Execution. s. 12. Yeoman of the Chandry.

And the Master Cook for the time being of the same Houshold, or his Deputy, shall also be then and there ready, and bring with him a dressing Knife, and shall deliver the same Knife at the place of Execution to the Sargeant of the Larder for the time being of the same Houshold, or his Deputy, who shall be also then and there ready, and hold upright the dressing Knife till Execution be done. s. 13. Master Cook.

And the Sargeant of the Poultry for the time being of the same Houshold or his Deputy shall be also then and there ready with a Cock in his Hand ready for the Surgeon to wrap about the same Stump when the Hand shall be so stricken off. s. 14. Sargeant of the Poultry.

And the Yeoman of the Scullery for the time being of the same Houshold, or his Deputy, to be also then and there ready, and prepare and make, at the Place of Execution, a Fire of Coals, and there to make ready searing Irons against the said Surgeon or his Deputy shall occupy the same. s. 15. Yeoman of the Scullery.

And the Sargeant or chief Ferror for the time being of the same Houshold, or his Deputy, shall be also then and there ready, and bring with him the searing Irons, and deliver the same to the same Sargeant or chief Surgeon, or to his Deputy, when they be hot. s. 16. Chief Ferror.

And the Groom of the Salcery for the time being of the same Houshold, or his Deputy, shall be also then and there ready with Vinegar and cold Water, and give Attendance upon the said Surgeon or his Deputy, until the same Execution be done. s. 17. Groom of the Salcery, and

Sargeant of the wood-yard.

And the Sargeant of the Wood-yard for the time being of the same Household, or his Deputy, shall bring to the said Place of Execution a Block, with a Betil a Staple and Cords, to bind the said Hand upon the Block while Execution is in doing. 33 H. 8. c. 12. s. 18.

Offenders indicted not answering directly, or standing mute, shall be adjudged convict.

If any Person or Persons so indicted of Treason, Misprision of Treason, Murder, Manslaughter, or other malicious striking, by reason whereof Blood is, hath been, or shall be shed against the King's Peace as is aforesaid, and thereof be arraigned and obstinately refuse to answer directly to the same Offences whereof he or they be so indicted; or if such Person or Persons so indicted and arraigned stand mute and will not speak, then such Person or Persons so refusing to answer or standing mute shall be convict, judged, and deemed guilty of the thing whereof he or they is or shall be so indicted and arraigned, and shall have Judgement to have like Pains of Death, and other Pains, Punishments, Executions, Forfeitures, Losses, and Seizures of Lands, Tenements, Goods and Chattels for the same, as he or they ought or should have had for such like Offences if he or they were or should be found guilty thereof by the Verdict of Twelve men. And that the said Clerks Comptrollers, Clerks of the Check, and Clerks Marshal, or one of them for the time being, shall from time to time name, assign, and appoint a Crier to make Proclamation, and call the Juries, and to do other things as becometh a Crier of a Court to do belonging to that office. s. 19.

Appointment of a crier to the court.

Exceptions to this Act.  
(And see post s. 26.)

Provided always, that this Act before rehearsed concerning malicious strikings, by reason whereof Blood is, hath been, or shall be shed against the King's Peace, ne the Pains and Forfeitures before rehearsed for the Punishment of the same, shall not in any ways extend nor be prejudicial or hurtful to any Nobleman, or to any other person or persons that shall happen to strike his or their Servants within the said Palaces or Houses, or any other House or Houses aforesaid, or within the Limits of the same, with his or their Hands or Fists, or with any small Staff or Stick, for Correction and Punishment for any Offences committed and done, or to be committed and done, ne to any of the King's Officers or Servants that shall strike any person within the same Palace or House, or any other House or Houses as aforesaid, although by reason of the said Stroke or Strokes there happened to be any Blood shed of such person as shall be so stricken, except the person so stricken do die of the same Stroke within one Year next after the same Stroke so given: Provided also, that the Trials of

Peers of this Realm for committing or doing any Offences in this Act before mentioned, shall be as it hath been used in times past; any thing in this Act contained to the contrary notwithstanding. 33 H. 8. c. 12. s. 20.

Provided also, that the Liberty and Jurisdiction of the Marshalsey Court and Circuit of the Verge, shall be in all Points, Privileges, and Authorities used by the Ministers and Officers of the same, in as full and as ample manner as hath been heretofore lawfully used for Murders, Felonies, Offences, and all Trespasses, Contracts, and other Suits, whatsoever they be; any thing in this Act to the contrary notwithstanding. s. 21.

The liberty of the verge saved.

The 22d Section enacts, that after the Decease of the then Coroner (1), the said Coroner always shall be made, assigned, and appointed by the Lord Great Master, or Lord Steward for the time being.

Who shall appoint the coroner.

And for that hereafter it might be doubted how far the Limits and Bounds of the said House or Houses should extend or be taken, within which Limits or Bounds any of the said Offences hereafter shall be committed or done, for the which all and every person and persons so offending, should have and suffer the Pains, Penalties, and Forfeitures as is aforesaid; for plain Declaration thereof, and for the avoiding of all doubts and questions which may hereafter happen to arise of, for, or upon the same, be it enacted, that the Limits and Bounds of the said House and Houses within which any of the Offences aforesaid, hereafter to be committed and done, shall be punished as is aforesaid, shall extend and be taken within these Places ensuing, and in none other; that is to say, within any Edifices, Courts, Places, Gardens, Orchards, or Houses within the Porter's Ward of any of the House or Houses above rehearsed, or within any Gardens, Privy Walks, Orchards, Tilt-yards, Wood-yards, Tennis-plays, Cock fights, Bowling-alleys, near adjoining to any of the Houses above rehearsed, and being part of the same, or within two hundred Foot of the Standard of any outward Gate or Gates of any of the Houses above rehearsed, commonly used for passage out of or from any of the House or Houses above rehearsed. s. 23, 24.

The limits and bounds of the king's houses.

Provided always, that this Act before rehearsed concerning malicious Strikings by reason whereof Blood is, hath been, or shall be shed against the King's Peace, ne the Pains and Forfeitures before rehearsed for the Punishment of the same, shall

To what cases this Act shall not extend. (See ante s. 20.)

(1) Richard Staverton, of Lincoln's Inn, Gentleman.

not in anywise extend or be prejudicial or hurtful to any Nobleman, or to any other person or persons that shall happen to strike his or their Servants within the said Palace or House, or any other House or Houses, Place or Places aforesaid, or within the Limits of the same, with his or their Hands or Fists, or with any small Staff or Stick, for Correction and Punishment for any Offences committed and done, or to be committed and done; ne to any of the King's Officer or Officers that in executing of his or their Office shall strike any person or persons with his or their Hands or Fists, or with any small Staff or Stick, or with any Staff commonly called a Tipstaff, within the same Palace or House, or any other Palaces or Houses, or Places aforesaid; ne to any other person or persons that, in doing service at any Triumph or any other time of service by the King's Commandment, or of any of his Grace's Council, or other his Grace's Head Officers, shall happen for the executing of their said service, to strike any person or persons with his or their Hands or Fists, or with any small Staff or Stick, or with any Staff commonly called a Tipstaff, within the same Palace or House, or any other Palaces or Houses, or Place or Places aforesaid, although by reason of the same Stroke or Strokes there happen to be any Blood shed of such person as shall be so stricken, except the person so stricken do die of the same Stroke within one Year next after the Stroke so given. 33 H. 8. c. 12. s. 26.

## **Pardon.**

What shall be specified in charters of pardons for certain offences.

No Charter of Pardon from henceforth shall be allowed before any Justice for Murder or for the Death of a Man slain by Await, Assault, or Malice prepensed, Treason, or Rape of a Woman, unless the same Murder, Death of the Man slain by Await, Assault, or Malice prepensed, Treason, or Rape of a Woman, be specified in the same Charter; and if a Charter of the Death of a Man be alledged before any Justices, in which Charter it is not specified that he of whose Death any such is arraigned was murdered or slain by Await, Assault, or Malice prepensed, the same Justices shall enquire by a good Inquest of the *Visne* where the Dead was slain, if he were murdered or slain by Await, Assault, or Malice prepensed, and if they find that he was murdered or slain by Await, Assault, or Malice prepensed, the Charter shall be disallowed, and further it shall be done as the Law commandeth. 18 R. 2. st. 2. c. 1.

If any Charter of Pardon be pleaded by any person for any Felony, the Justices before whom such Pardon is pleaded shall, at their discretion, remand or commit such person to Prison, there to remain until he shall enter into a Recognizance with Two sufficient Sureties for his being of good behaviour for any time not exceeding Seven Years; provided that if any such Charter of Pardon be pleaded by a Feme Covert or Infant, such Feme Covert or Infant may find Two sufficient Sureties for him or her being of the good behaviour as is aforesaid.  
5 W. & M. c. 13. s. 2.

Person pleading a pardon for felony may be required to give security for good behaviour for any time not exceeding seven years.

## **Parliament.**

The Statute 2 G. 2. c. 24. (by s. 1.) reciting that "it is found by experience that the Laws already in being have not been sufficient to prevent corrupt and illegal practices in the election of Members to serve in Parliament, enacts (s. 9.) that if any person who hath or claimeth to have, or hereafter shall have or claim to have any right to vote in any such election, shall ask, receive, or take any Money or other Reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such election, or if any person by himself, or any person employed by him, doth or shall by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their Vote or Votes, or to forbear to give his or their Vote or Votes in any such Election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of Five hundred Pounds of lawful Money of Great Britain, to be recovered as before directed (1), together with full Costs of Suit; and every person offending in any of the cases aforesaid from and after Judgment obtained against him in any such Action of Debt, Bill, Plaint, or Information, or summary Action or Prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of any Member or Members of Parliament, and also shall for ever be dis-

Persons taking money, gift, reward, office, &c. for their vote, or to forbear voting for Members of Parliament, shall forfeit £500, and be disabled.

3 Burr. 1236.  
1335. 1423.  
1586.  
4 Burr. 2491.

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(1) Action of Debt, Bill, Plaint, or Information in any Court of Record at Westminster, wherein no Essoign, Protection, Wager of Law, or more than one Imparance shall be allowed.

abled to hold, exercise or enjoy any Office or Franchise to which he and they then shall, or at any time afterwards may be entitled, as a Member of any City, Borough, Town Corporate, or Cinque Port, as if such person was naturally dead.

4 Burr. 2464.  
2504. 2183.

Offenders discovering others (such Discoverer not having been convicted) shall be indemnified. s. 10.

Limitation of  
prosecutions.

By the Statute 9 G. 2. c. 38. no person shall be liable to any incapacity, disability, forfeiture, or penalty by the above Act of 2 G. 2. imposed, unless personally served with Process within Two Years after the fact, so as service of such Process has not been prevented by the Defendant's withdrawing out of the Kingdom.

The Statute 49 G. 3. c. 118. intituled "An Act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt Practices," recites that it is expedient to make further Provision for preventing corrupt Practices in the procuring of Elections and Returns of Members to sit in the House of Commons; and further reciting that the giving or procuring to be given, or promising to give or to procure to be given, any Sum of Money, Gift, or Reward, or any Office, Place, Employment, or Gratuity, in order to procure the Return of any Member to serve in Parliament, if not given to or for the use of some person having a Right or claiming to have a Right to act as Returning Officer, or to vote at such Election, is not Bribery within the meaning of an Act passed in the Second Year of King George the Second, [2 G. 2. c. 24.] but such Gifts or Promises are contrary to the ancient Usage, Right, and Freedom of Elections, and contrary to the Laws and Constitution of this Realm; and then enacts, that if any person or persons shall, from and after the passing of this Act, either by himself, herself, or themselves, or by any other person or persons for or on his, her, or their Behalf, give or cause to be given, directly or indirectly, or promise or agree to give any Sum of Money, Gift, or Reward to any person or persons, upon any Engagement, Contract, or Agreement, that such person or persons to whom, to whose use, or on whose Behalf such Gift or Promise shall be made, shall, by himself, herself, or themselves, or by any other person or persons whatsoever, at his, her, or their Solicitation, Request, or Command, procure or endeavour to procure the Return of any person to serve in Parliament for any County, ~~Stewartry~~, City, Town, Borough, Cinque Port, or Place, every person so having

Penalty on persons entering into any engagement, for money, gifts, or rewards, to procure or endeavour to procure the election or return of a member in parliament.



given or promised to give, if not returned himself to Parliament for such County, Stewartry, City, Town, Borough, Cinque Port, or Place, shall for every such Gift or Promise forfeit the Sum of One thousand Pounds, to be recovered in such manner as is herein-after provided with respect to the Sum of Five hundred Pounds; and every such person so returned, and so having given, or so having promised to give, or knowing of and consenting to such Gifts or Promises, upon any such Engagement, Contract, or Agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that Parliament for such County, Stewartry, City, Town, Borough, Cinque Port, or Place; and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no Member of Parliament, and enacted to be, to all Intents, Constructions, and Purposes, as if he had never been returned or elected a Member in Parliament; and any person or persons who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of him, her, or them, any such Sum of Money, Gift, or Reward, or any such promise upon any such Engagement, Contract, or Agreement, shall forfeit to his Majesty the Value and Amount of such Sum of Money, Gift, or Reward, over and above the Sum of Five hundred Pounds, which said Sum of Five hundred Pounds, he, she, or they shall forfeit to any person who shall sue for the same, to be recovered, with such Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, if the Offence be committed in that part of the United Kingdom called England and Wales, and in any of his Majesty's Courts of Record at Dublin, if the Offence be committed in Ireland, wherein respectively no Essoign or Wager of Law, or more than One Imparlance shall be allowed; and if the Offence be committed in Scotland, then to be recovered with full Costs of Suit by summary Action or Complaint before the Court of Session, or by Prosecution before the Court of Justiciary there. s. 1.

Provided always, that nothing in this Act contained shall extend, or be construed to extend, to any Money paid or agreed to be paid to or by any person for any legal Expence bona fide incurred at or concerning any Election. s. 2.

If any person or persons shall, from and after the passing of this Act, by himself, herself, or themselves, or by any other person or persons for or on his, her, or their behalf, give or

Act not to extend to legal expences.

Penalty on persons entering into contracts or agreements to give or procure

any office, place, or employment, in order to the election or return of a member in parliament, or who shall receive or accept of any such office, &c.

procure to be given, or promise to give or procure to be given, any Office, Place, or Employment, to any person or persons whatsoever, upon any express Contract or Agreement that such person or persons to whom, or to whose use, or on whose behalf such Gift or Promise shall be made, shall by himself, herself, or themselves, or by any other person or persons at his, her, or their Solicitation, Request, or Command, procure or endeavour to procure the Return of any person to serve in Parliament for any County, Stewartry, City, Town, Borough, Cinque Port, or Place, such person so returned, and so having given or procured to be given, or so having promised to give or procure to be given, or knowing of and consenting to such Gift or Promise upon any such express Contract or Agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that Parliament for such County, Stewartry, City, Town, Borough, Cinque Port, or Place; and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no Member of Parliament, and enacted to be, to all Intents, Constructions, and Purposes, as if he had never been returned or elected a Member in Parliament; and any person who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of such persons, any such Office, Place, or Employment, upon such express Contract or Agreement, shall forfeit such Office, Place, or Employment, and be incapacitated for holding the same, and shall forfeit the Sum of Five hundred Pounds, which said Sum of Five hundred Pounds shall be recovered as is herein-before enacted; and any person holding any Office under his Majesty, who shall give such Office, Appointment, or Place, upon any such express Contract or Agreement, that the person to whom or for whose use such Office, Appointment, or Place shall have been given, shall so procure or endeavour to procure the Return of any person to serve in Parliament, shall forfeit the Sum of One thousand Pounds, to be recovered in such manner as is herein-before provided. 49 G. 3. c. 118. s. 3.

Limitation of Actions,

No person shall be made liable to any Forfeiture or Penalty by this Act created or imposed, unless some Prosecution, Action, or Suit for the Offence committed, shall be actually and legally commenced against such person within the Space of Two Years next after such Offence against this Act shall be committed, and unless such person shall be actually and legally arrested, summoned, or otherwise served with any original or

other Writ or Process within the same Space of Time, so as such Arrest, Summons, or Service of any original or other Writ or Process shall not be prevented by such person absconding or withdrawing out of the Jurisdiction of the Court out of which such original or other Writ or Process shall have issued; and in case of any such Prosecution, Suit, or Process as aforesaid, the same shall be proceeded in and carried on without any wilful delay; and that all Statutes of Jeofails and Amendments of the Law whatever shall and may be construed to extend to all Proceedings in any such Prosecution, Action, or Suit. s. 4.

## **Peers.**

In every Case where any of the King's Subjects may upon prayer have the privilege of Clergy as a Clerk Convict that may make Purgation; in every such case, and also in all and every case of Felony wherein the benefit of Clergy is restrained, excepted, or taken away by this Statute (wilful Murder and Poisoning of Malice prepensed only excepted), the Lords and Lords of the Parliaments, and Peer and Peers of this Realm having place and voice in Parliament, shall, by virtue of this Act, of Common Grace, upon his or their request or prayer alledging that he is a Lord or Peer of this Realm, and claiming the benefit of this Act, though he cannot read, without any burning in the hand, loss of inheritance, or corruption of his blood, be adjudged, deemed, taken, and used for the first time only, to all intents, constructions, and purposes as a Clerk Convict, and shall be in case of a Clerk Convict, which may make Purgation, without any further or other Benefit or Privilege of Clergy to any such Lord or Peer from henceforth at any time after for any cause to be allowed, adjudged, or admitted. 1 Ed. 6. c. 12. s. 14.

Peers convicted of certain offences shall have their clergy for one time.

If any such Lords, or any Peers of the Realm for the time being, shall be indicted of any of the Offences limited in this Act (1), they shall have their Trial by their Peers, as hath been used heretofore in cases of High Treason. s. 15.

Peers shall be tried by their peers.

Be it enacted, for the more effectual Trial of any Peer of Great Britain that hath committed or shall commit any High Treason, Petit Treason, Misprision of Treason, Murder, or other Felonies in Scotland, Commission or Commissions may

How British peers committing treason, murder, or other felonies in Scotland, shall be tried there.

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(1) Murder, poisoning, breaking any house by day or night, any person then being therein and put in fear or dread, highway robbery horse stealing, and stealing goods in any church or chapel.

issue under the Great Seal of Great Britain, to be directed to such person and persons as shall be therein named, constituting them, and such a number of them as shall be therein mentioned, Justices of the Queen, her Heirs and Successors, to inquire, by the Oaths of good and lawful men of such County and Counties of Scotland as shall be named therein, of all Treasons, Misprisions of Treason, Murders, and other Felonies committed in such County, by a Peer or Peers of Great Britain, which Inquisition shall be taken and made in the same manner as Indictments found and taken before Justices of Oyer and Terminer of any County of England, and shall be of the same effect and proceeded upon in the same method as any Inquisition found before Justices of Oyer and Terminer in England, whereby any Peer is indicted for any such Offence: and such Justices shall issue Mandates and Precepts to the Sheriffs of the respective Counties of Scotland, to return to them at such a day and place as they shall appoint, such and so many good and lawful men of the same County as may be sufficient to inquire of the Offences aforesaid; and Twelve or more of them so returned being sworn, shall be sufficient to make such inquiry and find any Indictment: and if the Sheriff of such County shall not summon a sufficient number of men to make such Inquisition, the Justices that do proceed upon such Commission may impose a Fine upon such Sheriff, which shall be levied by process out of the Exchequer; and if any of the persons summoned by the Sheriff to inquire as aforesaid shall not appear, the Justices may in like manner impose a Fine upon such person so making default, to be levied in manner aforesaid. 6 Anne, c. 23. s. 12.

## **Penal Statutes.**

Regulations to be observed by persons suing upon penal statutes.

Cro. Eliz. 77. 434.

3 Inst. 192.

Every Informer upon any Penal Statute shall exhibit his Suit in proper person, and pursue the same only by himself or by his Attorney in Court, and that none shall be admitted to pursue against any person upon any Penal Statute but by way of Information or original Action, and not otherwise; nor shall have nor use any Deputy at all; and that upon every such Information exhibited, a special Note be made of the very day, month, and year of the exhibiting thereof into any Office, or to any Officer which lawfully may receive the same, without any antedate thereof to be made; and that no process be sued out upon any such Information, until the Information be exhibited in form aforesaid; and that upon every such process shall be indorsed as well the

party's name that pursueth the same process as also the Statute upon which the Information made is grounded; and that every Clerk making out process contrary to the tenor and provision of this Act, shall forfeit 40s. for every Offence, one half to the Queen, and the other half to the party against whom such defective process shall be awarded, to be recovered by Action, &c. in any Court of Record. 18 Eliz. c. 5.

No Jury shall be compelled to appear in any of the Courts at Westminster, for trial of any such Suit upon any Penal Law, for any such Offence committed above 30 miles from the City of Westminster, except where the Attorney General, for some reasonable cause to be shewed, shall require the same to be tried at the Bar in any of the Courts at Westminster, which request shall be noted on the back side of the Distringas. s. 2.

No such Informer or Plaintiff shall compound or agree with any person that shall offend, or be surmised to offend, against any Penal Statute, for such Offence committed or pretended to be committed, but after answer made in Court to the Information or Suit, nor after answer but by the consent of the Court in which such Information is depending, upon the pains and penalties hereafter set down: and if any such Informer or Plaintiff shall willingly delay his Suit or discontinue, or be nonsuit in the same, or have a Verdict or Judgment passed against him, he shall pay to the party Defendant his Costs and Damages, to be assigned by the Court. s. 3.

If any person (except the Clerks of the Court only for making out process otherwise than is above appointed) shall offend in suing out of process, making of composition, or other misdemeanor contrary to this Statute, or shall by colour or pretence of process, or without process, upon colour or pretence of any matter of Offence against any Penal Law, make any composition, or take any money, reward, or promise of reward, for himself or to the use of any other, without order or consent of some of the Courts at Westminster, that then he or they so offending, being thereof lawfully convicted, shall stand on the Pillory in some Market Town next adjoining where the same Offence shall be committed, in the open market time, and there remain by the space of Two Hours; and shall, after such conviction, for ever be disabled to pursue or be Plaintiff or Informer in any Suit or Information upon any Statute, popular or penal; and shall also, for every such Offence, forfeit £10 of lawful British money, one half to the Queen, and the other half to the Party grieved thereby, by Action, &c. in any Court of Record: and

Information on penal statutes shall not be heard at Westminster, if the offence was committed above 30 miles from thence. Still. 381.

Informers shall only compound by leave of the court.

2 Bulstr. 137. Hob. 250.

2 Roll. 103. 136.

Double costs to defendant on discontinuance, &c.

2 Leon. 116. Savil, 50.

3 Burr. 1724. 1 Wils. 1. 39.

Penalties for offences against this Act.

Who may determine such offences.

the Justices of Oyer and Terminer, Justices of Assise in their Circuits, and Justices of Peace in Quarter Sessions, shall hear and determine Offences against this Act. 18 Eliz. c. 5. s. 4.

Persons may sue upon the statutes against maintenance.

Persons grieved by any Maintenance, Champerty, buying of Titles or Imbracery, may pursue upon the Statutes against such Offences, notwithstanding this Act. s. 5.

Exception in favour of certain persons to whom penalties are given.

This Act shall not restrain any certain Person, Body Politic or Corporate, to whom any Forfeiture, Penalty, or Suit is or shall be specially limited or granted by any Statute, and not generally to any Person that will sue; but that every such certain Person, Body Politic or Corporate, which might sue if this Act were not made, may inform and pursue notwithstanding this Act. s. 6.

Act not to extend to certain officers of record.

This Act not to extend to such Officers of Record as have in respect of their Offices heretofore lawfully used to exhibit information, or sue upon Penal Laws, nor to Officers informing or pursuing for Matters only concerning their Offices. s. 7.

The above Statute 18 Eliz. c. 5. is made perpetual by 27 Eliz. c. 10.

Defendants may appear and defend by attorney.

The Statute 29 Eliz. c. 5. s. 21. reciting that Persons living in remote parts of the Realm had been troubled upon Penal Statutes, and were drawn up upon Process, and driven to attend and put in Bail, to their Trouble and Undoing; enacts, that if any Person shall be sued upon any Penal Law in the Courts of K. B., C. P. or Exchequer, when such Persons areailable, or where by leave of Court such Person may appear by Attorney, that the party Defendant may, at the appearance day, appear thereto, and defend the same by Attorney, and not be urged to personal Appearance. By 31 Eliz. c. 10. s. 20. this Provision shall extend only to natural-born Subjects and free denizens.

None restrained by order of court shall be an informer.

All former Statutes not repealed or altered by this Statute shall be put in force, and no Person restrained by Order of the Queen's Courts shall pursue any Suits upon Penal Statutes. 31 Eliz. c. 5. s. 1.

Exception as to officers of record. To what offences this Act shall not extend.

Officers of Record may inform and pursue as heretofore. s. 3.

This Act shall not extend to the laying or alledging of any Offence in any Declaration or Information for Champerty, Buying and Selling of Titles, or 1 Eliz. c. 11. as to Wines, 1 Eliz. c. 20. as to Tonnage Duties, &c. or Frauds therein, or Usury, or the Statutes against Engrossing, &c. s. 4.

Limitation of suits upon penal statutes.

All Actions, Suits, Bills, Indictments or Informations, had, brought, sued, or exhibited for any Forfeiture upon any Penal Statute made or to be made, whereby the Forfeiture shall be



limited to the Queen, her Heirs or Successors, shall be had, brought, sued or exhibited within two Years next after the Offence committed, and not after Two Years; and that all Actions, Suits, Bills or Informations, had, sued, brought or commenced for any Forfeiture upon any Penal Statute made or to be made, except the Statute of Tillage, the Benefit and Suit whereof is or shall be by the said Statute limited to the Queen, her Heirs or Successors, and to any other which shall prosecute in that behalf, shall be had, brought, sued or commenced by any Person that may lawfully pursue for the same within One Year next after the Offence committed or to be committed; and in default of such pursuit, that then the same shall be had, sued, exhibited or brought for the Queen, her Heirs or Successors, at any Time within Two Years after that Year ended; and if any such Action, &c. except the Statute of Tillage, shall be brought after the Time so limited, the same shall be void. 31 Eliz. c. 5. s. 5.

2 Hawk. P. C.  
271.  
4 Mod. 129, 130.  
Cro. Jac. 603.

Provided that when any Action, Information, Indictment or other Suit, shall be limited by any Statute Penal to be had, sued, commenced or brought within shorter Time than above is rehearsed, then the Action, &c. shall be brought within the Time limited by such Estatute. s. 6.

Actions, &c. on  
suits limited to  
a shorter period,  
shall be so pro-  
secuted.  
1 Ld. Raym. 78.

All Suits for using any unlawful Game, or not using any lawful Game, shall be sued in the General Quarter Sessions or Assizes where the Offence is committed, or in the Leet within which it happens. s. 7.

Where certain  
offences shall be  
prosecuted.  
Raym. 154.  
2 Mod. 246.  
1 Burr. 251.

All Offences hereafter to be committed against any Penal Statute, for which any common Informer or Promoter may lawfully ground any popular Action, Bill, Plaint, Suit, or Information, before Justices of Assize, Justices of Nisi Prius or Gaol Delivery, Justices of Oyer and Terminer, or Justices of Peace in their General or Quarter Sessions, shall hereafter be commenced, sued, prosecuted, tried, recovered, and determined by way of Action, Plaint, Bill, Information or Indictment before the Justices of Assize, Justices of Nisi Prius, Justices of Oyer and Terminer, and Justices of Gaol Delivery, or before the Justices of Peace of every County, City, Borough, or Town Corporate and Liberty, having power to enquire of, hear and determine the same, within England or Wales, wherein such Offence shall be committed, in any of the Courts, Places of Judicature, or Liberties aforesaid respectively, only at the Choice of the Parties which shall commence Suit for the same, and not elsewhere, save only in the said Counties or Places usual for those Counties or any of them: And that like Process upon

Where informa-  
tions, &c. upon  
penal statutes  
shall be prose-  
cuted.

4 Inst. 172.  
Styll. 209. 223.  
340. 356.  
381, 3.  
1 Vent. 8.  
3 Inst. 193.  
Litch. 192.  
Hutley, 103.  
5 Mod. 285.  
Cro. Car. 112.  
146. 316.  
Jones, 193.  
Raym. 394.  
1 Hale P. C.  
297.  
2 Hawk. P. C.  
26.  
1 Vent. 8.  
Carthew. 465.  
1 Lev. 249.

every popular Action, &c. or Suit to be commenced by force of this Act, be had and awarded as in an Action of Trespass *vi et armis* at the Common Law. And that all Informations, Actions &c. sued, either by the Attorney General, or by any Officer, or by any common Informer, in any of the Courts at Westminster, concerning any of the Offences aforesaid, shall be void. 21 Jac. 1. c. 4.

All such informations, &c. for such offences shall be laid in the county where the offence was committed.

Carthew, 290.  
Hutt. 98.  
3 Lev. 71.  
2 Mod. 246.

In all Informations to be exhibited, and in all Bills, Counts, Plaints, and Declarations in any Suit commenced against any Person for any Offence against any Penal Statute, the Offence shall be laid and alleged to have been committed in the County where such Offence was in truth committed, and not elsewhere; and if the Defendant pleads that he owes nothing or is not guilty, and the Plaintiff or Informer in such Information, &c. upon Evidence to the Jury that shall try such Issue, shall not both prove the Offence laid in such Information, &c. and that the same Offence was committed in that County, then the Defendant shall be found not guilty. s. 2.

And the informer shall make oath to that fact, and that the offence was committed within 12 months before suit commenced.

1 Salk. 372.

No Officer in any Court of Record shall receive, file, or enter of Record, any Information, Bill, Complaint, Count, or Declaration grounded upon any Penal Statute, which by this Act are appointed to be heard in their proper Counties, until the Informer or Relater hath first taken a corporal Oath before some of the Judges of that Court, that the Offence laid in such Information, &c. was not committed in any other County than where by such Information the same is supposed to have been committed; and that he believeth in his conscience the Offence was committed within a year before the Suit within the same County; the same Oath to be then entered of Record. s. 3.

Defendants may plead the general issue.

Defendants to such Informations, &c. may plead the General Issue, and give such special Matter in Evidence to the Jury, which being pleaded had been a sufficient Matter in Law to have discharged the Defendant against such Information, &c. s. 4.

Certain offences excepted.

This Act not to extend to Statutes against Popish Recusants, or for not going to Church, Maintenance, Champerty, or buying of Titles, or for transporting Gold, Silver, Ordnance, Powder, Shot, Munition of all Sorts, Wool, Woolfells or Leather, which may be alleged to be in any County at the Pleasure of any Informer. s. 5.

## Penitentiary House.

The Statute 52 G. 3. c. 44. for erecting a Penitentiary House for the Confinement of Offenders convicted within the City of London and County of Middlesex, enacts, that if any person who shall be ordered to be confined in the said Penitentiary House, shall at any time, during the term of such Confinement, break prison or escape from the place of his or her Confinement, or in his or her conveyance to such Place of Confinement, or from the person or persons having the lawful Custody of such Offender, he or she so breaking prison or escaping shall be punished by an addition of Three Years, to the term for which he or she, at the time of his or her Breach of Prison or Escape, was subject to be confined; and if such person so punished by such addition to the term of Confinement, shall afterwards be convicted of a Second Escape or Breach of Prison, he or she shall be adjudged guilty of Felony, without Benefit of Clergy. s. 40.

Offenders ordered to be confined in the penitentiary breaking therefrom or escaping,

for first offence, shall be imprisoned three years above his term, and for second offence ousted of clergy.

If any person shall rescue any Offender who shall be ordered to be confined within the said Penitentiary House, either during the time of his or her Conveyance to the said Penitentiary House, or whilst such Offender shall be in the custody of the person or persons under whose care and charge he or she shall be so confined, or if any person shall be aiding or assisting in any such Rescue, every such person so rescuing, aiding, or assisting shall be guilty of Felony, and may be ordered to be confined in the said House for any Term not less than One Year nor exceeding Five Years; and if any person having the Custody of any such Offender as aforesaid, or being employed by the person having such Custody as a Keeper, Underkeeper, Turnkey, Assistant, or Guard, shall voluntarily permit such Offender to escape; or if any person whatsoever shall, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, be in any manner aiding and assisting to any such Offender in any Escape, or in any Attempt to make an Escape, though no Escape be actually made, or shall attempt to rescue any such Offender, or be aiding and assisting in any such Attempt, though no Rescue be actually made, every such person so permitting, attempting, aiding, or assisting, shall be guilty of Felony; and if any person having such Custody, or being so employed by the person having such Custody as aforesaid, shall negligently permit any such Offender to escape, such person so permitting shall be guilty of a Misdemeanor, and, being lawfully convicted of the same,

Persons rescuing or attempting to rescue such offenders, or wilfully or negligently permitting their escape, or supplying such offenders with tools, &c. or disguises, guilty of felony.

How and where  
such offences  
shall be tried,

and necessary  
evidence.

shall be liable to Fine or Imprisonment, or to both, at the discretion of the Court. 52 G. 3. c. 44. s. 41.

And to the intent that the Prosecutions for Escapes, Breaches of Prison, and Rescues, may be carried on with as little trouble and expence as is possible, be it further enacted, that any Offender escaping, breaking prison, or being rescued, in manner aforesaid, may and shall be tried before the Justices of Oyer and Terminer, or Gaol Delivery, or at the Great Sessions either for the County where he or she shall be apprehended and retaken, or for the County in which the said Offence shall have been committed; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping or attempting to escape, or having broke prison, or being rescued, or against any other person or persons concerned therein, or aiding, abetting, or assisting the same, a copy properly attested of the Order of Commitment to such Penitentiary House shall, after Proof made that the person then in question before the Court is the same that was delivered with such Order, be sufficient Evidence to the Court and Jury that the person then in question was so ordered to such Confinement. s. 42.

The Statute 53 G. 3. c. 162. which is intituled "An Act to repeal a certain provision respecting persons convicted of Felony without Benefit of Clergy, contained in an Act made [52 G. 3.] for the Erection of a Penitentiary House for the Confinement of persons convicted within the City of London and County of Middlesex, and for making other provisions in lieu thereof," recites the 47th Section of Stat. 52 G. 3. c. 44. and that it is necessary that the same should be repealed; and then enacts, that so much of the said Act as enacts that in all cases where any Court or Courts shall think fit to sentence any person or persons convicted before such Court or Courts of Felony without Benefit of Clergy, to Imprisonment, as or for the Punishment or Part of the Punishment for such Offence, such Court or Courts may, if they shall think fit so to do, moreover direct that the person or persons so convicted shall, during such Imprisonment, be kept to hard labour, shall be and the same is hereby repealed; and that from and after the passing of this Act it shall and may be lawful for any Court to pass upon any person who shall be lawfully convicted before any such Court of Felony with Benefit of Clergy, or of any Grand Larceny, or of any Petit Larceny, the Sentence of Imprisonment to Hard Labour either simply and alone, or in addition to any other Sentence which such

Persons convicted of felony with benefit of clergy, grand or petit larceny, may be sentenced to hard labour either simply and alone, or in addition to any other sentence.

Court may or shall be authorized by Law to pass upon any person lawfully convicted of any of the Offences aforesaid, as to such Court shall seem fit, and such person shall thereupon suffer such other Sentence, and be moreover imprisoned and kept to Hard Labour, or be simply imprisoned and kept to Hard Labour, in such place and for such time as such Court shall think fit to direct, not exceeding the time for which such Courts may now imprison for such Offences.

## Perjury.

A recital of the Statute 32 H. 8. c. 9. which enacted, that persons who should suborn any Witness to maintain any Cause to the hindrance of Justice, or who should procure any Perjury in any of the King's Courts, should on Conviction forfeit £10; and that such Penalty had been found too small to deter Offenders in that behalf: it is enacted, that every person which shall unlawfully and corruptly procure any Witness by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means, to commit any wilful and corrupt Perjury in any matter or cause, which shall depend in Suit and Variance by any Writ, Action, Bill, Complaint, or Information, in anywise touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts, or Damages, in any of the Courts before mentioned, [in the Recital, i. e. Chancery, the Star Chamber, the Whitehall, or elsewhere within the King's Dominions, where any person should have Authority by Commission, Patent, or Writ, to hold plea of Land, or to examine, hear, or determine any Title of Lands, or any Matter or Witness concerning the Title, Right, or Interest of any Lands, Tenements, or Hereditaments,] or in any Court of Record, or in any Leet, View of Frankpledge, or Law Day, Antient Demean Court, Hundred Court, Court Baron, or in the Court or Courts of the Stannary in Devon and Cornwall, or shall likewise unlawfully and corruptly procure or suborn any Witness or Witnesses which shall be sworn to testify in perpetuum rei memoriam, that then every such Offender shall for each Offence, being thereof lawfully convicted or attainted, lose and forfeit the Sum of Forty Pounds. 5 Eliz. c. 9. s. 3.

The penalty of subornation of perjury.

1 Roll. 79.  
2 Roll. 195.  
244. 429.  
12 Co. 101.  
Latch. 38.  
Vaugh. 152.  
Cro. Car. 352.  
Hetley, 112.  
Godbolt, 71.  
pl. 80.  
Savil, 43.  
Mod. Ca. in  
La. 179.  
1 Hawk. P. C.  
c. 69.  
2 Hale P. C.  
191.  
3 Bulstr. 147.  
2 Leon. 198.  
3 Leon. 202.  
Co. pla. 367.  
Rast. pla. 481.  
Goldb. 191.  
pl. 140.

This Act was made perpetual by 29 Eliz. c. 5. s. 1. 19., but by Mistake was by the Statute 1 Jac. 1. c. 25. s. 29. *revoked* and continued to the end of the first Session of the then next Parliament, but this error was noticed and rectified by the Statute

21 Jac. 1. c. 28. s. 8. which again made the Statute of Elizabeth perpetual.

If the offender have not goods to that amount, he shall be imprisoned and set in the pillory ;

If such Offender have not Goods, Chattels, Lands, or Tenements, to the Value of £40, then he shall be imprisoned for one Half Year without Bail, and to stand upon the Pillory the Space of one whole Hour in some Market Town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market Town itself where the Offence was committed. 5 Eliz. c. 9. s. 4.

and rendered an incompetent witness.

2 Leon. 12.

And no such person so convicted or attainted shall from thenceforth be received as a Witness in any Court of Record until the Judgement is reversed; and upon such Reversal, the party grieved shall recover Damages against the party procuring such Judgement so reversed by Action on the Case. s. 5.

Penalty on persons committing perjury,

If any person, either by the Subornation or unlawful Procurement, sinister Persuasion, or Means of any other; or by their own Act, Consent, or Agreement, wilfully and corruptly commit any manner of wilful Perjury by Deposition in any of the Courts before mentioned, or being examined *ad perpetuam rei memoriam*, such person being duly convict thereof or attainted by Law, shall forfeit £20, and to have Imprisonment by the Space of Six Months without Bail, and the Oath of such person shall not thenceforth be received in any Court of Record until Reversal of such Judgement; and that upon such Reversal the party grieved shall recover Damages against the person procuring such Judgement so reversed. s. 6.

£20 and six months imprisonment, and incapacity.

Co. pla. 164, 5. Cro. Eliz. 201.

434. Cro. Car. 99. 5 Co. 59.

And if he have no goods shall be set in the pillory.

And if such Offender have not any Goods or Chattels to the Value of £20, that then he be set on the Pillory in some Market Place within the Shire, City, or Borough where the Offence shall be committed, by the Sheriff or his Ministers if without any City or Town Corporate, and if within such Place, then by the Head Officer there or his Ministers, and there to have both his Ears nailed, and from thenceforth to be discredited and disabled to be sworn in any of the Courts of Record aforesaid, until Reversal of the Judgement, and then to recover Damages as before mentioned. s. 7.

Application of penalties.

One Moiety of such Penalties to the Crown, and the other to the party grieved by such Offence, and suing for the same by Action, &c. s. 8.

Who may hear and determine such offences.

The Judge of every such Court where any Suit shall be, and whereupon any Perjury shall be committed, and the Judges of Assise and Gaol Delivery in their Circuits, and the Justices of Peace in England or Wales, in their Quarter Sessions, within



Liberties and without, shall enquire and hear and determine Offences by Inquisition, Presentment, Bill of Information before them exhibited, or otherwise, and to give Judgement, and award Process and Execution according to Law. 5 Eliz. c. 9. s. 9.

Cro. Eliz. 105.  
147, 8. 267-  
428.  
Cro. Jac. 120.  
133.

Proclamation of this Act shall be made twice in the Year at the Assises. s. 10.

Proclamation of  
this statute.

A Saving of the Power of the Lord Chancellor and others of the Council under 11 H. 7. c. 25. and of the Lord President and Council in Wales, touching Perjuries. s. 13.

Saving certain  
powers.

Provided that this Act nor any thing therein contained shall not extend to any Spiritual or Ecclesiastical Court or Courts within this Realm of England or Wales, or the Marches of the same, but that all and every such Offender or Offenders as shall offend in form aforesaid, shall and may be punished by such usual and ordinary Laws as heretofore hath been, and yet is used and frequented in the said Ecclesiastical Courts; any thing in this present Act contained to the contrary in anywise notwithstanding. s. 11.

This Act shall  
not extend to the  
ecclesiastical  
courts.

The more effectually to deter Persons from committing wilful and corrupt Perjury or Subornation of Perjury, be it enacted, that besides the Punishment already to be inflicted by Law for so great Crimes, it shall and may be lawful for the Court or Judge before whom any Person shall be convicted of wilful and corrupt Perjury, or Subornation of Perjury, according to the Laws now in being, to order such Person to be sent to some House of Correction within the same County, for a time not exceeding Seven Years, there to be kept to hard labour during all the said time, or otherwise to be transported to some of his Majesty's Plantations beyond the Seas, for a Term not exceeding Seven Years, as the Court shall think most proper; and thereupon Judgement shall be given that the Person convicted shall be committed or transported accordingly, over and beside such Punishment as shall be adjudged to be inflicted on such Person agreeable to the Laws now in being; and if Transportation be directed, the same shall be executed in such Manner as is or shall be provided by Law for the Transportation of Felons; and if any Person so committed or transported shall voluntarily escape or break Prison, or return from Transportation before the Expiration of the time for which he shall be ordered to be transported as aforesaid, such Person being thereof lawfully convicted shall suffer Death as a Felon without Benefit of Clergy, and shall be tried for such Felony in the County where he so escaped.

Persons con-  
victed of perjury  
or subornation  
thereof, may be  
imprisoned in the  
house of correc-  
tion and there  
kept at hard  
labour for seven  
years, or trans-  
ported for that  
term.

or where he shall be apprehended. 2 G. 2. c. 25. s. 2. This Act is made perpetual by 9 G. 2. c. 18.

Dougl. 183, 4.

Form of informations and indictments for perjury.

Whereas by reason of Difficulties attending Prosecutions for Perjury and Subornation of Perjury, those heinous Crimes have frequently gone unpunished, whereby wicked and evil disposed Persons are daily more and more emboldened to commit the same; for Remedy whereof be it enacted, that in every Information or Indictment to be prosecuted against any for wilful and corrupt Perjury, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, and by what Court or before whom the Oath was taken (averring such Court or Person or Persons to have a competent Authority to administer the same), together with the proper Averment or Averments to falsify the Matter or Matters wherein the Perjury or Perjuries is or are assigned, without setting forth the Bill, Answer, Information, Indictment, Declaration, or any Part of any Record or Proceeding either in Law or Equity other than as aforesaid, and without setting forth the Commission or Authority of the Court, or Person or Persons before whom the Perjury was committed; any Law, Usage, or Custom to the contrary notwithstanding. 23 G. 2. c. 11. s. 1.

In every Information or Indictment for Subornation of Perjury, or for corrupt bargaining, or contracting with others to commit wilful and corrupt Perjury, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, without setting forth the Bill, Answer, Information, Indictment, Declaration, or any Part of any Record or Proceeding, either in Law or Equity, and without setting forth the Commission or Authority of the Court, or Person or Persons before whom the Perjury was committed, or was agreed or promised to be committed; any Law, Usage, or Custom to the contrary notwithstanding. s. 2.

Justices of Assize, &c. may order prosecutions for perjury committed before them.

And the better to prevent great Offenders from escaping Punishment by reason of the Expence attending such Prosecution, be it further enacted, that it shall and may be lawful to and for any of His Majesty's Justices of Assize or Nisi Prius, or General Gaol Delivery, or of any of the Great Sessions of the Principality of Wales, or of the Counties Palatine, and they are hereby authorized (sitting the Court or within Twenty-four Hours afterwards) to direct any Person examined as a Witness upon any Trial before him or them to be prosecuted for the said Offence of Perjury, in case there shall appear to him or them a reasonable cause for such Prosecution, and that it shall appear

to him or them proper so to do, and to assign the Party injured or other Person undertaking such Prosecution Counsel, who shall and are hereby required to do their Duty without any Fee, Gratuity, or Reward for the same; and every such Prosecution so directed as aforesaid, shall be carried on without Payment of any Tax or Duty, and without Payment of any Fee in Court, or to any Officer of the Court who might otherwise claim or demand the same; and the Clerk of Assize or his Associate, or Prothonotary, or other proper Officer of the Court (who shall be attending when such Prosecution is directed) shall and is hereby required, without any Fee or Reward, to give the Party injured, or other Person undertaking such Prosecution, a Certificate of the same being directed, together with the Names of the Counsel assigned him by the Court, which Certificate shall in all Cases be deemed sufficient Proof of such Prosecution having been directed as aforesaid; provided that no such Direction or Certificate shall be given in evidence upon any Trial to be had against any Person upon a Prosecution so directed as aforesaid. *s. 9.*

If upon the examination of any Bankrupt (under this Act) it shall appear that he, she, or they have committed any wilful or corrupt Perjury, tending to the Hurt or Damage of the Creditors of the said Bankrupt, to the value of Ten Pounds of lawful Money of England or above, the party so offending shall or may thereof be indicted in any of the King's Courts of Record, and being lawfully convicted thereof, shall stand upon the Pillory in some Public Place by the Space of Two Hours; and have one of his Ears nailed to the Pillory and cut off. 1 Jac. 1. c. 18. *s. 9.*

The punishment of a bankrupt committing perjury.

By the Statute 53 G. 3. c. 108. *s. 17.* it shall be lawful for the Commissioners of Stamps to make such Rules and Regulations, and to require Affidavits, or solemn Affirmations in the case of Quakers, of all such Facts and Circumstances in regard to the allowance of spoiled or useless Stamps, in all or any of the cases provided for by this or any former Act, as they shall in their discretion judge necessary or expedient for the purposes of preventing Frauds and Evasions; such Affidavits or Affirmations to be made before the said Commissioners, or any one or more of them, or before a Master in Chancery, Ordinary or Extraordinary, in England, or before any Person duly commissioned to take Affidavits by the Court of Session or the Court of Exchequer in Scotland, who are hereby respectively authorised to take the same, and administer the proper Oath or Affirmation for that purpose: And then by *s. 18.* it is enacted, that if any Person

The Commissioners of Stamps may make regulations and require affidavits respecting allowances for spoiled or useless stamps.

Persons making false oath or affirmation concerning such matters punishable as for perjury.

All affidavits and affirmations relating to the stamp duties shall, if not expressly otherwise provided for, be made before the commissioners, &c.;

and persons falsely swearing or affirming in matters relating thereto, punishable as for perjury.

making any such Affidavit or Affirmation as aforesaid, shall knowingly and wilfully make a false Oath or Affirmation of or concerning any of the Matters to be therein specified and set forth, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to such Pains and Penalties as by any Law now in force Persons convicted of wilful and corrupt Perjury are subject and liable to.

By the Statute 55 G. 3. c. 184. s. 52. all Affidavits and solemn Affirmations in the case of Quakers, required by this or any former or future Act of Parliament, or which shall be required by the said Commissioners of Stamps to be made for the Satisfaction of the said Commissioners, of and concerning any Facts or Circumstances upon which they are to execute the Powers vested in them by this or any other Act, or for the verification of any Accounts of or concerning the Duties under their Management, or for any other Purpose relating to such Duties, shall in all cases not otherwise expressly provided for, be made before the said Commissioners or any one or more of them, or before a Master in Chancery, Ordinary or Extraordinary, in England, or before any Person duly commissioned to take Affidavits by the Court of Session or the Court of Exchequer in Scotland, or before one of his Majesty's Justices of the Peace in Scotland: And then s. 53. enacts, that all and every Person and Persons before whom any Affidavit or solemn Affirmation is or shall be required or directed to be made by this or any former or future Act of Parliament relating to any Stamp Duty, shall be and are hereby authorized to take the same, and administer the proper Oath or Affirmation for that Purpose; and if any Person making any such Affidavit or Affirmation of or concerning any of the matters to be therein specified and set forth, every Person so offending and being thereof lawfully convicted, shall be subject and liable to such Pains and Penalties as by any Law now in force persons convicted of wilful and corrupt Perjury are subject and liable to.

The Stat. 2 G. 2 c. 24. s. 3. directs the Returning Officer of Members to serve in Parliament to take a certain prescribed Oath; and by s. 5. if, in taking such Oath, he shall be guilty of wilful and corrupt Perjury, and be thereof convicted, he shall incur and suffer the Pains and Penalties by Law inflicted in cases of wilful and corrupt Perjury.

Freeholders at election of knights of the shire taking false oath or affirmation.

The Statute 18 G. 2. c. 18. directs a certain form of Oath (or Affirmation by Quakers) to be taken by Freeholders voting at Election of Knights of the Shire, "which Oath (or solemn

Affirmation) the Sheriff, by himself, his Under Sheriff, or such Sworn Clerk or Clerks as shall be by him appointed for the taking of the Poll, is hereby required to administer; and in case any Freeholder or other Person taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful Perjury and be thereof convicted, and if any Person do unlawfully and corruptly procure or suborn any Freeholder or other Person to take the said Oath or Affirmation in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted, he and they for every such Offence shall incur such Pains and Penalties," as are specified in the Statutes 5 Eliz. c. 9. and 2 G. 2. c. 25.

tion, punishable under 5 Eliz. c. 9. and 2 G. 2. c. 25.

By s. 10. of the last Quarantine Act, 46 G. 3. c. 98., Persons to whom any Oath is administered by virtue of that Act, swearing falsely, or procuring any others so to do, shall incur all the Pains and Penalties of wilful and corrupt Perjury and Subornation of Perjury.

As to Perjury committed before Naval Courts-martial, see Title NAVY I. i. ante, page 622.

## Personating.

§ 1. *Personating any Out-pensioner of Greenwich Hospital.*

§ 2. *Acknowledging any Fine, Recovery, Deed, &c. in the Name of another, and personating Bail.*

For other Offences of this nature, in personating the Proprietors of Stock, see Title FORGERY, II.; and as to personating Seamen, Soldiers, and Officers, see Title SEAMEN and SOLDIERS.

Whoever willingly and knowingly shall personate or falsely assume the Name or Character of, or procure any other to personate or falsely to assume the name and character of any person entitled or supposed to be entitled, as an Out-pensioner, to any Out-pension or Allowance of Money from the Commissioners or Governors of Greenwich Hospital, in order to receive the Money due or supposed to be due on such Out-pension, every such person so offending, and being lawfully convicted of any such Offence or Offences, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy. 3 G. 3. c. 16. s. 6.

§ 1. Persons personating Out-pensioners of Greenwich Hospital shall suffer death.

All and every person and persons who shall acknowledge or procure to be acknowledged any Fine or Fines, Recovery or Recoveries, Deed or Deeds inrolled, Statute or Statutes, Recognizance or Recognizances, Bail or Bails, Judgment or Judgment

§ 2. It shall be felony without clergy to levy a fine or suffer a recovery, &c. or personate

bail in another's  
name not privy  
thereto.

1 Ventr. 301.  
Jones, Sir T. 64.  
3 Keb. 604.

ments, in the Name or Names of any other person or persons, not privy or consenting to the same, and being thereof lawfully convicted or attainted, shall be adjudged, deemed, and taken to be Felons, and suffer the Pains of Death, and incur such Forfeitures and Penalties as Felons convicted or attainted lose and forfeit, without the Benefit of Clergy to be allowed to any such Offender (saving Corruption of Blood and Loss of Dower). 21 Jac. 1. c. 26.

Not to extend to any Judgment acknowledged by any Attorney of Record for any person against whom any Judgment shall be given. s. 3.

The Chief Justices of K. B. and C. P. and the Chief Baron may respectively, together with one other Judge of their respective Courts, appoint Commissioners, other than common Attornies and Solicitors, in every Shire and County within England, Wales, and Berwick-upon-Tweed, to take Recognizances of special Bail or Bail Pieces in Actions and Suits depending in their several Courts. 4 W. & M. c. 4. s. 1. And by s. 3. any Judge of Assize in his Circuit is empowered to take such Recognizances. Then by s. 4. "Any person or persons who shall before any person empowered by this Act as aforesaid to take Bail or Bails, represent or personate any other person or persons, whereby the person or persons so personated and represented may be liable to the Payment of any Sum or Sums of Money for Debt or Damages to be recovered in the same Suit or Action wherein such person or persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged to be Felons, and suffer Death, and such Forfeitures and Penalties as Felons in other cases.

The like punishment for personating bail before commissioners.

## Petitions.

(And see Title SEDITION.)

Persons above the number of 20 shall not solicit or procure any petition for alteration of law in church or state, except under certain restrictions.

Noy, 101.  
2 Cr. 37.  
Moer. 755.  
pl. 1043.

No person shall solicit, labour, or procure the getting of Hands or other Consent of any persons above the number of twenty or more to any Petition, Complaint, Remonstrance, Declaration, or other Address to the King, or both or either Houses of Parliament, for alteration of Matters established by Law in Church or State, unless the matter thereof have been first consented unto and ordered by three or more Justices of that County, or by the Mayor, part of the Grand Jury of the County or Division of the County where the same matter shall arise, at their Public Assises or General Quarter Sessions, or if arising in London, by the Lord Mayor, Aldermen, and Commons



in Common Council assembled; and that no person whatever shall repair to his Majesty, or both or either of the Houses of Parliament, upon pretence of presenting or delivering any Petition, Complaint, Remonstrance or Declaration, or other Addresses, accompanied with excessive number of people, nor at any one time with above the number of ten persons, upon pain of incurring a penalty not exceeding £100 in Money, and Three Months Imprisonment without Bail or Mainprize, for every Offence; which Offence to be prosecuted at the Court of K. B. or at the Assises or General Quarter Sessions, within Six Months after the Offence committed, and proved by two or more credible Witnesses. 13 Car. 2. c. 5. s. 2.

Nor above ten present such petition to the king or parliament.

This Act shall not extend to hinder persons, not exceeding twenty in number, to present any Public or Private Grievance to any Member of Parliament after his Election, or to the King; nor to any Address to the King by any of the Members of both Houses of Parliament during the sitting of Parliament, but that they shall enjoy their freedom of access to the King as heretofore hath been used. s. 3.

Exceptions.

The Bill of Rights (1 W. & M. st. 2. c. 2.) declares, Section 1, Article 5, that it is the Right of the Subjects to petition the King, and all Commitments and Prosecutions for such Petitioning are illegal. (1)

This Act not repealed by the Bill of Rights.

## **Petty Larceny.**

The Stat. 31 G. 3. c. 35. recites, that "persons convicted of Grand Larceny are by their Punishment restored to their Credit as Witnesses, but persons convicted of Petty Larceny are rendered and remain wholly incompetent to be examined as Witnesses;" and then enacts, that from and after the 24th Day of June 1791, no person shall be an incompetent Witness by reason of a Conviction for Petty Larceny.

Persons convicted of petty larceny shall be competent witnesses.

## **Pillory.**

Every Pillory or Stretch-neck must be made of convenient Strength, so that Execution may be done upon Offenders without peril of their bodies. Stat. temp. H. 3. Ed. 1. & 2. c. 3.

Regist. orig. 109. How pillories shall be made,

(1). In the case of *R. v. Ld. G. Gordon*, it was contended that the Bill of Rights was a virtual repeal of 13 Car. 2. c. 5.; but it was the clear opinion of the whole court, that the Bill of Rights did not mean to meddle with it at all: that neither *that* nor any other act had repealed it, and that it was in full force. *Dougl.* 571.

The judgement of pillory shall be awarded only in cases of perjury and subornation thereof.

The Statute 56 G. 3. c. 138. intituled "An Act to abolish the Punishment of the Pillory, except in certain Cases," recites that "the Punishment of the Pillory has in many cases been found inexpedient, and not fully to answer the purpose for which it was intended;" and then enacts, that from and after the passing of this Act, Judgment shall not be given and awarded against any person or persons convicted of any Offence, that such person or persons do stand in or upon the Pillory, except for the Offences hereinafter mentioned; any Law, Statute, or Usage to the contrary notwithstanding: provided that all Laws now in force whereby any person is subject to Punishment for the taking any false Oath, or for committing any manner of wilful and corrupt Perjury, or for the procuring or suborning any other person so to do, or for wilfully, falsely, and corruptly affirming or declaring, or procuring or suborning any other person so to affirm and declare, in any matter or thing, which if the same had been deposed in the usual form would have amounted to wilful and corrupt Perjury, shall continue and be in full force and effect; and that all persons guilty of any of the said several Offences shall incur and suffer the same Punishment, Penalties, and Forfeitures as such persons were subject to by the Laws and Statutes of this Realm, or any of them, before the passing of this Act, and as if this Act had not been made. s. 1.

When the pillory has heretofore formed the whole or any part of a judgement, the court may fine or imprison offenders in lieu thereof. Not to change any punishment except the pillory.

In all cases where the Punishment of the Pillory has hitherto formed the whole or a part of the Judgment to be pronounced, it shall and may be lawful for the Court before whom such Offence is tried, to pass such Sentence of Fine or Imprisonment, or of both, in lieu of the Sentence of Pillory, as to the said Court shall seem most proper: provided that nothing herein contained shall extend or be construed to extend in any manner to change, alter, or affect any Punishment whatsoever which may now be by Law inflicted in respect of any Offence, except only the Punishment of Pillory, in manner as herein above is enacted.

## *Piracy.*

### *I. The Offences of Treason, Piracy, Robbery, Murder, and Confederacy on the Sea.*

§ 1. *By Statutes 27 H. 8. c. 4. and 28 H. 8. c. 15. and 46 G. 3. c. 54. Traitors, Pirates, Thieves, Robbers, and Confederates upon the Sea, or in any Haven, River, Creek, or place where the Admiral has Jurisdiction, shall be tried, heard, and determined by Commission as directed by these Acts.*

- § 2. *By Statute 22, 23 C. 2. c. 11. Masters or Commanders of English Vessels of certain Tonnage and Force, yielding to Pirates, shall be imprisoned. By s. 7. of the same Act, Mariners refusing to fight, &c. against Pirates, shall be imprisoned, &c. And by s. 9. Mariners laying violent Hands on the Commander, to hinder his Fighting, ousted of Clergy. (And see § 4.)*
- § 3. *By Statute 11, 12 W. 3. c. 7. s. 8. Subjects or Denizens committing any Piracy, &c. under colour of any Foreign Commission, ousted of Clergy. By s. 9. Commanders, &c. or Mariners betraying their trust, and turning Pirate or Rebel, &c., and running away with any Ship, Boat, &c., or Goods, &c., or voluntarily yielding to a Pirate, or bringing any seducing Message, &c., or going over to any Pirate, or laying violent Hands on their Commander to prevent his Fighting, or endeavouring to make a Revolt in the Ship, ousted of Clergy. By Statute 8 G. 1. c. 24. s. 3. Offenders who by 11, 12 W. 3. c. 7. are declared to be Accessories to Piracies, &c., shall hereafter be deemed Principals.*
- § 4. *By the same Statute, Persons trading with Pirates, furnishing them with Stores, fitting out any Vessel to trade with them, or consulting, &c. with them, or forcibly boarding any Vessel and destroying the Goods, &c., declared guilty of Piracy, &c. and ousted of Clergy.*
- § 5. *By Statute 18 G. 2. c. 30. Subjects or Denizens committing Hostilities at Sea, or in any Haven, River, Creek, &c., against his Majesty's Subjects, under colour of a Commission from an Enemy, or giving Aid, &c. to Enemies, &c. at Sea, &c., may be tried as Pirates, &c.*
- § 6. *By Statute 39 G. 3. c. 37. all Offences committed on the High Seas, shall be Offences of the same nature and liable to the same punishment as if committed on the Land, and shall be tried as directed by 28 H. 8. c. 15.*
- § 7. *By Statute 22 G. 3. c. 25. and 33 G. 3. c. 66. Vessels or Goods, &c. shall not be ransomed.*

§ 8. *By Statute 8 G. 1. c. 24. s. 5. Seamen wounded in Fight with Pirates shall be entitled to Greenwich Hospital. By s. 6. of the same Statute, Masters, &c. or Seamen, not defending themselves against Pirates, forfeit their Wages and shall be imprisoned.*

## II. *Accessaries in Piracy.*

§ 1. *By Statute 11, 12 W. 3. c. 7. s. 10. Persons setting forth, or aiding or concealing, &c. any Pirate, &c., or Ships or Goods, &c. piratically stolen, declared to be Accessaries.*

See now 8 G. 1. c. 24. s. 3. ante, Division I.

§ 3.

§ 2. *By Statute 43 G. 3. c. 113. s. 5. where the principal Felony takes place on the High Seas, Accessaries thereto before the fact shall be tried as directed by 28 H. 8. c. 15.*

## III. *Trial of Piracies, Robberies, and Felonies upon the High Seas. (And see Division I. § 1.)*

§ 1. *By Statute 11, 12 W. 3. c. 7. Piracies, Robberies, and Felonies committed on the High Seas, or in any River, Haven, or Creek, &c. where the Admiral has Jurisdiction, shall be tried by Commission under the Act, at Sea, or in any of the Colonies, or in America. (See now the Stat. 46 G. 3. c. 54. under Division I. § 1. of this Title.)*

§ 2. *By Statute 4 G. 1. c. 11. s. 7. Persons committing Offences for which they ought to be adjudged Pirates, &c. by 11, 12 W. 3. c. 7. shall be tried for the same as directed by 28 H. 8. c. 15. and ousted of Clergy.*

§ 3. *By Statute 32 G. 2. c. 25. s. 20. an Admiralty Session of Oyer and Terminer and Gaol Delivery shall be held twice at least in every year, in March and October. By s. 21. of the same Act, Justices of Peace in England are empowered to take Informations touching Piracy, &c. committed on the Sea, or in any Haven, River, or Creek, &c. where the Admiral has Jurisdiction.*

§ 4. *By Statute 12 G. 3. c. 20. s. 1. upon Arraignment for Piracy, to stand Mute, or not answer directly, shall amount to a Conviction.*

*1. The Offences of Treason, Piracy, Robbery, Murder, and Confederacy on the Sea.*

Reciting that where [Traytors] Pirates, Thieves, Robbers, Murtherers, [and Confederates] upon the Sea, many times escape unpunished, because formerly tried before the Admiral or his Lieutenant or Commissary, after the course of the Civil Laws; the nature whereof is, that before any Judgment of Death can be given against Offenders, either they must plainly confess their Offence (which they will never do without torture or pains), or else their Offences be so plainly and directly proved by Witnesses indifferent, such as saw their Offences committed, which cannot be gotten but by chance; It is therefore enacted, that all (1) such Offences done in or upon the Sea, or in any other Haven, River, or Creek [or Place] where the Admiral or Admirals [have or] pretend to have [Power, Authority, or] Jurisdiction, shall be enquired, tried, heard, and determined [and judged] in such Shires and Places in this Realm as shall be limited by the King's Commission, to be directed for the same in like form and condition as if such Offences had been [committed or] done [in or upon] on the Land; and that such Commissions shall be had under the King's Great Seal, directed to the Lord Admiral or Admirals, or to his or their Lieutenant, Deputy or Deputies, and to three or four such other substantial persons as shall be named by the Lord Chancellor for the time being, as often as need shall require, to hear and determine such Offences after the common course of the Laws of the Land used for (2) Felonies done and committed within this Realm. 27 H. 8. c. 4. 28 H. 8. c. 15.

§ 1.  
Offences done on the sea, or in any river, &c. within the admiral's jurisdiction, shall be enquired of on the land by commission.

Such persons to whom such Commissions shall be directed, or three [four] of them at the least, shall have full power and authority to enquire of such Offences by the Oaths of Twelve good and lawful Men inhabited in the Shire limited in their Commission, in such like manner as if such Offences had been committed upon the Land within the same Shire; and that every Indictment found and presented before such Commissioners, of any [Treasons], Felonies, Robberies, Murthers, or Manslaughters, [or such other Offences, being committed or] done [in or] upon the Seas, or in or upon any other Haven, River, or Creek, shall be good and effectual in the Law; and if any person or persons happen to be indicted for any such Offence done upon the Seas, or in any other

How and by whom such offences shall be tried.

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(1) [Treasons, Felonies, Robberies, Murthers, and Confederacies.]  
(2) [Treasons, Felonies, Murthers, Robberies, and Confederacies of the same.]

place above limited, that then such Order, Process, Judgment, and Execution shall be used, had, done, and made to and against every such person and persons so being indicted, as against [Traitors], Felons, and Murtherers, for [Treason], Murther, [Robbery], or Felony, [or other such Offence] done upon the Land, as by the Laws of this Realm is accustomed; and that the Trial of such Offence, if it be denied by the Offenders, shall be had by Twelve [lawful] Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid; and no Challenge to be had for the Hundred; and such as shall be convict of any such Offence by Verdict, Confession, or Process, by authority of any such Commission, shall have and suffer such pains of Death, Losses of Lands, Goods, and Chattels, as if they had been convict of any [Treasons], Felonies, [Robberies], or Murthers, [or other Offences] done upon the Land. 27 H. 8. c. 4. s. 2. 28 H. 8. c. 15. s. 2.

Clergy not allowed to pirates.

For [Treasons], Robberies, Felonies, and Murthers, [and Confederacies] done upon the Seas, or in any other places above rehearsed, the Offenders shall not be admitted to have the Benefit of their Clergy. 27 H. 8. c. 4. s. 3. 28 H. 8. c. 15. s. 3.

Exception for victual, &c. taken by necessity and paid for.

This Act not to extend or be prejudicial to persons taking any Victuals, Cables, Ropes, Anchors, or Sails, which such persons compelled by necessity taketh of or in any other Ship which may conveniently spare the same, so that such person pay out of hand for the same Victual, Cables, Ropes, Anchors, or Sails, Money or Money worth to the Value of the thing so taken, or deliver for the same a sufficient Bill obligatory, to be paid as directed by this Act. 27 H. 8. c. 4. s. 4. 28 H. 8. c. 15. s. 4.

Commissions in the Cinque Ports to whom to be directed.

Whenever any such Commission for the Punishment of the Offences aforesaid shall be directed or sent to any place within the Five Ports, that then such Commission shall be directed to the Lord Warden there, or to his Deputy, and three or four such other persons as the Lord Chancellor shall appoint, and the Inquisition and Trial shall be had there by the Inhabitants of the Five Ports. 27 H. 8. c. 4. s. 5, 6. 28 H. 8. c. 15. s. 5, 6.

The words between brackets are contained only in the Statute 28 H. 8. c. 15.

The Statute 46 G. 3. c. 54. intituled "An Act for the more speedy Trial of Offences committed in distant Parts upon the Sea," recites that by Stat. 28 H. 8. c. 15. it is enacted, that all Treasons, Felonies, Robberies, Murders, and Confederacies, committed on the Sea, shall be enquired of, tried, and determined according to the common course of the Laws of this



Land used for such Offences upon the Land within this Realm; and that by the Statute 11, 12 W. 3. c. 7. it is enacted, that all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, enquired of, tried, heard, and determined, and adjudged, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that purpose by the King's Commission, in the manner therein directed, and according to the Rules of the Civil Law; and further recites, that Treasons, Murders, and divers other Felonies and Misdemeanors, not mentioned in the said Statute of the Eleventh Year of the Reign of King William the Third, cannot be tried by virtue of any Commission directed under that Act, but the persons committing, or charged with having committed the same upon the Seas in or near the East or West Indies, and in Places very remote, can only be brought to Trial by sending them to England to be tried within this Realm, under the Commission directed by the said Statute of 28 H. 8. c. 15., whereby not only great Charges and Expences are incurred, but Offenders do oftentimes escape unpunished by reason of the delay and difficulties attending such Prosecutions; and then, for remedy thereof, and in order that one uniform course of Trial may be had for all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences committed upon the Seas, it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what nature or kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be enquired of, tried, heard, determined, and adjudged, according to the common course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, under and by virtue of the King's Commission or Commissions under the Great Seal of Great Britain, to be directed to any such Four or more discreet persons as the Lord Chancellor of Great Britain, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the time being, shall from time to time think fit to appoint; and that the said Commissioners so to be appointed, or any Three of them, shall have such and the like Powers and Authorities for the Trial of all such Murders, Treasons, Pira-

Offences committed on the sea, &c. may be tried in any of His Majesty's islands, &c. by virtue of the king's commission under the Great Seal directed to four or more discreet persons, &c.

cies, Felonies, Robberies, Conspiracies, and other Offences, within any such Island, Plantation, Colony, Dominion, Fort, or Factory, as any Commissioners appointed or to be appointed according to the Directions of the said Statute of the 28th of Henry the 8th, by any Law or Laws now in force, have or would have for the Trial of the said Offences within this Realm; and that all persons convicted of any of the said Offences, so to be tried by virtue of any Commission to be made according to the Directions of this Act, shall be subject and liable to, and shall suffer all such and the same Pains, Penalties, and Forfeitures, as by any Law or Laws now in force persons convicted of the same respectively would be subject and liable to in case the same were respectively enquired of, tried, heard, determined, and adjudged within this Realm, by virtue of any Commission made according to the Directions of the said Statute of the Twenty-eighth Year of the Reign of King Henry the Eighth; any Law, Statute, or Usage to the contrary notwithstanding.

## § 2.

Masters of ships  
(of 200 tons and  
16 guns) shall  
not deliver them  
up to pirates  
without fighting;

Where Goods or Merchandizes shall be laden on board any English Ship of 200 Tons Burthen or upwards, and mounted with 16 Guns or more, if the Master or Commander shall yield up the said Goods to any Turkish Ships or Vessels, or to any Pirates or Sea Rovers whatsoever, without fighting, in such case the Master shall, upon due proof thereof made in the High Court of Admiralty, be from thenceforth incapable of taking Charge of any English Ship or Vessel as Master or Commander thereof, and if he do at any time thereafter, he shall suffer Imprisonment, by Warrant from the said Court, for Six Months for every such Offence: And in case the persons so taking the said Goods shall release, &c. the said Ship, shall pay to the Master any Money, or Goods in lieu of Money for Freight, or other Reward or Gift, in such case the Goods or Money so given or the Value thereof, as also the Master's part of such Ship, her Tackle, Apparel, and Furniture so released, &c. out of which the said Goods were taken, shall be liable to repair the persons whose Goods were so delivered or taken, by Action in the said Court; and in case the Commander's or Master's part in the Ship, Tackle, &c. together with such Money and Goods given as aforesaid, shall not be sufficient to repair all the Damages sustained, then the Reparations to be recovered on the Master or Commander's part of the Ship, to be divided pro rata amongst the persons prosecuting and proving their Damages, and the persons damaged to have their Action against the Master for the remainder. 28, 29 Car. 2. c. 11. s. 2.

If the Master of any English Ship or Vessel, though not of the Burthen of 200 Tons or mounted with 16 Guns as aforesaid, shall yield his Ship unto any Turkish Ship, Pirate, or Sea Rover (not having at the least his double number of Guns) without fighting, every such Master shall be liable to all and every the penalties in this Act contained. 22, 23 Car. 2. c. 11. s. 4.

not of smaller vessels unless the pirate be of double force.

Upon Process made out of the High Court of Admiralty, it shall be lawful for all Commanders of his Majesty Ships of War, or the Commanders of any other English Ships, to seize such Ships or Masters so offending, according to the Process in such case to be issued, and the same to bring or send in Custody into any Ports of his Majesty's Dominions, there to be proceeded against according to this Act. s. 5.

Offenders shall be sent home in custody for trial.

If the Mariners or inferior Officers of any English Ship laden with Goods and Merchandizes as aforesaid, shall decline or refuse to fight and defend the Ship when they shall be thereunto commanded by the Master or Commander thereof, or shall utter any Words to discourage the other Mariners from defending the Ship, every Mariner found guilty thereof shall lose all Wages due to him, and such Goods as he hath in the Ship, and suffer Imprisonment not exceeding Six Months, and shall during such time be kept to hard Labour for his Maintenance. s. 7.

Mariners refusing to fight shall lose their wages and be imprisoned.

If the Ship is yielded against the will of the Master, &c. by the disobedience of the Mariners, testified by their having laid violent hands on him, he shall be excused the Pains and Penalties of this Act, unless he receives back from the Takers thereof his Ship, or some Recompence, Gift, or Reward for the same. s. 8.

Every Mariner who shall have laid violent hands on his Commander, whereby to hinder him from fighting in defence of his Ship and Goods committed to his Trust, shall suffer Death as a Felon. s. 9. See s. 9. of 11, 12 W. 3. c. 7. post.

Mariners assaulting commanders in order to prevent their fighting the ship, guilty of felony.

If any of his Majesty's natural-born Subjects, or Denizens of this Kingdom, shall commit any Piracy or Robbery, or any act of Hostility against others his Majesty's Subjects upon the Sea, under colour of any Commission from any Foreign Prince or State, or pretence of Authority from any person whatsoever, such Offender and Offenders and every of them shall be deemed, adjudged and taken to be Pirates, Felons and Robbers, and they and every of them, being duly convicted thereof according to this Act, or the aforesaid Statute of King Henry the Eighth, shall have and suffer such Pains of Death, Loss of Lands, Goods and

§ 3. Subjects or denizens committing piracy under colour of any foreign or other commission, shall suffer as pirates.

Chattels, as Pirates, Felons and Robbers upon the Seas ought to have and suffer. 11, 12 W. 3. c. 7. s. 8.

Commanders or mariners betraying their trust and turning pirate, &c. or persons laying violent hands on their commander to hinder him from fighting, declared pirates, and shall suffer death.

If any Commander or Master of any Ship, or any Seaman or Mariner, shall in any Place where the Admiral hath Jurisdiction, betray his Trust, and turn Pirate, Enemy or Rebel, and piratically and feloniously run away with his or their Ship or Ships, or any Barge, Boat, Ordnance, Ammunition, Goods or Merchandizes, or yield them up voluntarily to any Pirate, or shall bring any seducing Messages from any Pirate, Enemy or Rebel, or consult, combine or confederate with, or attempt or endeavour to corrupt any Commander, Master, Officer or Mariner, to yield up or run away with any Ship, Goods or Merchandizes, or turn Pirate, or go over to Pirates; or if any Person shall lay violent Hands on his Commander, whereby to hinder him from Fighting in defence of his Ship and Goods committed to his Trust, or that shall confine his Master, or make or endeavour to make a revolt in the Ship, shall be adjudged, deemed and taken to be a Pirate, Felon and Robber; and being convicted thereof according to the Directions of this Act, shall have and suffer pains of Death, Loss of Lands, Goods and Chattels, as Pirates, Felons and Robbers upon the Seas ought to have and suffer. s. 9.

This Act is made perpetual by 6 G. 1. c. 19.

Persons who by 11, 12 W. 3. c. 7. are declared to be accessaries to piracies or robberies on the sea, shall hereafter be deemed principals, and be tried and punished as such under the said act.

Whereas there are some defects in the Law, for bringing Persons who are Accessaries to Piracy and Robbery upon the Sea to condign Punishment, if the Principal who committed such Piracy and Robbery is not or cannot be apprehended and brought to Justice: be it therefore enacted, that all and every Person and Persons whatsoever, who by the said Statute 11, 12 W. 3. c. 7. s. 10. [see Division II. s. 1.] are declared to be accessory or accessaries to any Piracy or Robbery therein mentioned, are hereby declared and shall be deemed and taken to be principal Pirates, Felons and Robbers, and shall and may, after 25th March 1722, be enquired of, heard, determined and adjudged in the same manner as Persons guilty of Piracy and Robbery may and ought to be inquired of, tried, heard, determined and adjudged by the said Statute 11, 12 W. 3.; and being thereupon attainted and convicted, shall suffer such pains of Death, Loss of Lands, Goods and Chattels, and in like manner as Pirates and Robbers ought by the said Act to suffer. 8 G. 1. c. 24. s. 3.

Offenders ousted of clergy.

All and every Offender or Offenders convicted of any Piracy, Robbery or Felony by virtue of this Act, shall not be admitted to have the Benefit of Clergy, but be utterly excluded of and from the same. s. 4.

Reciting the increase of Piracies, Felonies and Robberies on the Seas, and that it was necessary further Provision should be speedily made for bringing such Persons and all others who shall be anyways aiding and assisting, or in Confederacy with them, to condign Punishment: It is therefore declared and enacted, that if any Commander or Master of any Ship or Vessel, or any other Person or Persons shall, after 25th March 1722, anywise trade with any Pirate, by Truck, Barter, Exchange, or in any other Manner, or shall furnish any Pirate, Felon or Robber upon the Seas, with any Ammunition, Provision or Stores of any kind, or shall fit out any Ship or Vessel knowingly, and with a design to trade with, or supply or correspond with any Pirate, Felon or Robber upon the Seas; or if any Person or Persons shall anyways consult, combine, confederate or correspond with any Pirate, Felon or Robber on the Seas, knowing him to be guilty of any such Piracy, Felony or Robbery; such Offender and Offenders and every of them shall in each and every of the said Cases be deemed, adjudged and taken to be guilty of Piracy, Felony and Robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the Matters aforesaid, according to 28 H. 8. c. 15, and 11, 12 W. 3. c. 7. and he and they being convicted of all or any the Matters aforesaid, shall suffer such pains of Death, Loss of Lands, Goods and Chattels, as Pirates, Felons and Robbers upon the Seas ought to suffer: And in case any Person or Persons belonging to any Ship or Vessel whatsoever, upon meeting any Merchant Ship or Vessel on the High Seas, or in any Port, Haven, or Creek whatsoever, shall forcibly board or enter into such Ship or Vessel, and though they do not seize and carry off such Ship or Vessel, shall throw overboard or destroy any part of the Goods or Merchandizes belonging to such Ship or Vessel, the Person or Persons who shall be guilty thereof shall in all respects be deemed and punished as Pirates as aforesaid. 8 G. 1. c. 24. s. 1.

§ 4:

Commanders of vessels or others trading with pirates, furnishing them with stores, fitting out a vessel to trade with them, or consulting or corresponding with them, shall be guilty of piracy, and tried under 28 H. 8. c. 15. and 11, 12 W. 3. c. 7.

Persons forcibly boarding any merchant vessel and throwing the merchandize overboard, guilty of piracy.

Every Ship or Vessel fitted out with design to trade with, supply or correspond with any Pirate, and the Goods and Merchandize put on board the same, with intent to trade with any Pirate, Felon or Robber on the Seas, shall be ipso facto forfeited, one Moiety to the King, and the other Moiety to the Person or Persons first making discovery and giving Information of such Intent and Design; and such Person so first making such Discovery shall and may sue for and recover such Ship or Vessel, and all the Goods and Merchandizes on board the same, in the

Vessels fitted out to trade, &c. with pirates, and the goods on board the same, shall be forfeited.



Offenders ousted  
of clergy.

High Court of Admiralty. s. 2. all and every Offender or Offenders convicted of any Piracy, Felony or Robbery by virtue of this Act, shall not be admitted to have the Benefit of Clergy, but be utterly excluded of and from the same. s. 4.

§ 5.

The Statute 18 G. 2. c. 30. recites the first and eighth sections of Statute 11, 12 W. 7. c. 7., and that "since the present War with France and Spain divers of his Majesty's natural-born Subjects have entered into the Service of his Majesty's Enemies on board Privateers or other Ships having Commissions from the Crowns of France or Spain, and committed divers Hostilities against his Majesty's Subjects upon the Seas: And whereas Doubts have arisen whether as such Offenders have by such their Adherence to the King's Enemies been guilty of High Treason, they can be deemed guilty of Felony within the intent of the said Act, and as such liable to be tried by the said Court of Admiralty appointed or to be appointed by virtue of the said Act; therefore, to put an end to the said Doubts, and to prevent the inconveniences that must arise by the want of speedy Justice on such offenders," it is enacted, that all persons being natural-born Subjects or Denizens of his Majesty, who during the present or any future Wars have committed or shall commit any Hostilities upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, against his Majesty's Subjects, by virtue or under colour of any Commission from any of his Majesty's Enemies, or have been or shall be any other ways adherent, or giving aid or comfort to his Majesty's Enemies upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be tried as Pirates, Felons, and Robbers, in the said Court of Admiralty, on Ship-board or upon the Land, in the same manner as persons guilty of Piracy, Felony, and Robbery, are by the said Act directed to be tried; and such persons being upon such Trial convicted thereof, shall suffer such Pains of Death, Loss of Lands, Goods, and Chattels, as any other Pirates, Felons, and Robbers ought by virtue of the said recited Act [of 11, 12 W. 3. c. 7.] or any other Act, to suffer.

Subjects or denizens committing hostilities at sea, &c. against his Majesty's subjects, or giving aid, &c. to enemies at sea, &c. may be tried as pirates under  
11, 12 W. 3. c. 7.

Offenders not to be tried again for the same crime as treason.

Provided that any person who shall be tried and acquitted or convicted according to this Act for any of the said Crimes, shall not be liable to be indicted, prosecuted, or tried again in Great Britain or elsewhere for the same Crime or Fact as High Treason. s. 2.

Offenders not tried under this Act may be tried

Provided that nothing in this Act contained shall be construed to extend to prevent any persons guilty of any of the said Crimes,



who shall not be tried according to this Act, from being tried for High Treason within this Realm according to the aforesaid Act [28 H. 8. c. 15.] s. 3.

for treason under  
28 H. 8. c. 15.

The Statute 39 G. 3. c. 37. which is intituled "An Act for remedying certain Defects in the Law respecting Offences committed upon the High Seas," recites that by the Act 28 H. 8. c. 15. it is enacted, that Treasons, Felonies, Robberies, Murthers, and Confederacies committed on the High Seas, shall be enquired of, tried, and determined in such Shires and Places in this Realm, as shall be limited by the King's Commission to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land; and that "it is expedient to *declare* that other Offences committed on the Seas may be enquired of, tried, and determined in like manner;" and then enacts and *declares*, that all and every Offence and Offences which after the passing of this Act shall be committed upon the High Seas, out of the body of any County of this Realm, shall be and they are hereby declared to be Offences of the same nature respectively, and to be liable to the same Punishments respectively, as if they had been committed upon the Shore, and shall be enquired of, heard, tried, and determined and adjudged in the same manner as Treasons, Felonies, Murthers, and Confederacies are directed to be by the same Act. s. 1.

§ 6.

All offences committed on the high seas shall be offences of the same nature, and liable to the same punishment, as if committed on the land, and be tried as directed by 28 H. 8. c. 15.

When any person or persons shall be tried for the Crime of Murder or Manslaughter committed upon the Sea, by virtue of any Commission directed under the said Act, and shall be found guilty of Manslaughter only, such person or persons shall be entitled to receive the Benefit of Clergy in like manner, and shall be subject to the same Punishment, as if he or they had committed such Manslaughter in or upon the Land. s. 2.

Persons tried for murder or manslaughter and found guilty of the latter, shall have their Clergy allowed.

It shall not be lawful for any of his Majesty's Subjects to ransom, or to enter into any Contract or Agreement for ransoming any Ship or Vessel belonging to any of his Majesty's Subjects, or any Merchandize or Goods on board the same, which shall be captured by the Subjects of any State at war with his Majesty, or by any persons committing Hostilities against his Majesty's Subjects. 22 G. 3. c. 25. and 33 G. 3. c. 66. s. 37. [This latter Act expired with the late War with France.]

§ 7.

Vessels or goods shall not be ransomed.

Seamen and Mariners on board Merchant Vessels maimed in fight against a Pirate, shall not only receive the Rewards appointed by 22, 23 Car. 2. c. 11., but be admitted into and provided for in Greenwich Hospital, preferable to any other Sea-

§ 8.

Seamen maimed in fight with pirates entitled to Greenwich Hospital, &c.

man or Mariner who is disabled from Service, or getting a livelihood, merely by his age. 8 G. 1. c. 24. s. 5.

Masters, &c. or seamen not defending themselves or their ship against pirates, forfeit their wages, and shall be imprisoned six Months.

Any Commander, Master, or other Officer, or any Seaman or Mariner of any Merchant Vessel carrying Guns and Arms, who shall not when attacked by any Pirate, or by any Vessel on which any such Pirate is on board, fight and defend themselves and their Vessel from being taken by such Pirate, or shall utter any Words to discourage the other Mariners from defending the Vessel, and by reason thereof the Vessel shall fall into the hands of such Pirate, in every such case every such person not endeavouring to defend and save such Vessel, or uttering such words, shall lose and forfeit all and every part of the Wages due to him or them, to the Owner or Owners of such Vessel, and shall not be permitted to sue for or recover the same, or any part thereof, in any Court of Law or Equity; and as a further Punishment, shall suffer Six Months Imprisonment. 8 G. 1. c. 24. s. 6.

## II. *Accessaries in Piracy.*

§ 1.  
Persons setting forth or aiding or receiving or concealing any pirate, or the ships, goods, &c. piratically stolen, shall be deemed accessaries, and be tried and punished in the like manner as principals.

Whereas 'evil-disposed persons' in the Plantations and elsewhere have contributed much towards the increase and encouragement of Pirates by setting them forth, and by aiding, abetting, receiving, and concealing them and their goods; and there being some defects in the Laws for bringing such evil-disposed persons to condign Punishment, be it enacted, that all and every person and persons whatsoever who, after 29 Sept. 1700, shall, either on the Land or upon the Sea, knowingly or wittingly set forth any Pirate, or aid and assist, or maintain, procure, command, counsel, or advise any person or persons whatsoever to do or commit any Piracies or Robberies upon the Seas, and such person and persons shall thereupon do or commit any such Piracy or Robbery, that then all and every such person or persons whatsoever so as aforesaid setting forth any Pirate, or aiding, assisting, maintaining, procuring, commanding, counselling, or advising the same, either on the Land or upon the Sea, shall be and are hereby declared, and shall be deemed and adjudged to be Accessary to such Piracy and Robbery done and committed; and further, that after any Piracy or Robbery is or shall be committed by any Pirate or Robber whatsoever, every person and persons who, knowing that such Pirate or Robber has done or committed such Piracy and Robbery, shall, on the Land or upon the Sea, receive, entertain, or conceal any such Pirate or Robber, or receive or take into his custody any Ship, Vessel, Goods, or Chattels which have been by any such Pirate or Robber piratically and feloniously taken, shall be and are hereby

likewise declared, deemed, and adjudged to be Accessary to such Piracy and Robbery; and that after the said 29 Sept. all such Accessaries to such Piracies and Robberies shall and may be enquired of, tried, heard, determined, and adjudged after the common course of the Laws of this Land, [according to 28 H. 8: c. 15.] as the Principals of such Piracies and Robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such pains of Death, losses of Lands, Goods, and Chattels, and in like manner as the Principals of such Piracies, Robberies, and Felonies, ought to suffer according to the said Statute [of 28 H. 8.] which is hereby declared to be and continue in full force, any thing in this present Act contained to the contrary notwithstanding. 11, 12 W. 3. c. 7. s. 10.

[See the Stat. 8 G. 1. c. 24. s. 3. under Division I. § 3., by which the above-described Accessaries are declared to be principal Pirates, &c.] See 8 G. 1. c. 24.

By s. 12. a reward of £10 for every Vessel of 100 tons or under, and of £15 for every Vessel of a greater burden, shall be paid by the Captain, Commander, or Master of every Vessel wherein any Combination or Confederacy shall be set on foot for running away with or destroying such Vessel, or the Goods therein laden, to such person as shall first make a discovery thereof, upon due proof of such Combination, &c.; the same to be paid at the Port where the Wages of the Seamen of such Ship ought to be paid, after such discovery and proof made. Reward for discovering a combination to run away with vessels, or the goods laden therein.

By s. 17. all Seamen, Officers, or Sailors deserting the Vessels wherein they are hired to serve for that Voyage, shall for such Offence forfeit all Wages then due to them.

This Act is made perpetual by 6 G. 1. c. 19.

The Statute 43 G. 3. c. 113. (s. 5.) recites that "whereas it is convenient that Accessaries on the High Seas should be by Law liable to be tried by such Court and in such manner as by an Act made in the 28th year of the reign of King Henry the 8th is directed in respect to Felonies done upon the High Seas," and then enacts, that from and after 16 July 1803, in all cases whatsoever in which any person or persons shall hereafter procure, direct, counsel, or command any other person or persons to commit, or shall abet any other person or persons in committing any Felony whatsoever, or shall in any wise whatsoever become an Accessary or Accessaries before the fact to any Felony whatsoever, whether such principal Felony be committed within the body of any County within this Realm or upon the High Seas, and whether such procuring, directing, counselling,

§ 2:

Recital of  
28 H. 8. c. 15.

Accessaries to felonies may be tried either in the county where the principal offence was committed, or in that where the accessorial act took place; and if the principal felony were committed on the high seas,

the accessory  
shall be tried as  
directed by  
stat. 28 H. 8.  
c. 15.

commanding, and abetting, or otherwise becoming Accessary or Accessories before the fact shall have been committed or done within the body of any County within this Realm, or upon the High Seas, that then and in all such cases the Offence of the person or persons so procuring, directing, counselling, commanding, or abetting such Felony, or so in any wise becoming Accessary or Accessories before the fact to such Felony, shall and may be inquired of, tried, determined, and adjudged, in case such principal Felony shall have been committed within the body of any County within this Realm, by the course of the Common Law, either within such County wherein the said principal Felony shall have been committed, or within the County wherein the said Offence in procuring, directing, counselling, commanding, and abetting, or otherwise becoming Accessary or Accessories before the fact, shall have been committed or done; and in case the said principal Felony shall have been committed upon the High Seas, then the said Offence in procuring, directing, counselling, commanding, or abetting such Felony, or of so becoming an Accessary or Accessories before the fact to the same, shall and may be inquired of in and by such Court, and in such manner and form, as in and by the said Act [28 H. 8.] is appointed and directed for the trying, determining, and adjudging of Felonies done upon the High Seas; provided always, that no person or persons who shall hereafter be once tried and acquitted or convicted of any such Offence in procuring, directing, counselling, commanding, or abetting any Felony, or of otherwise becoming an Accessary or Accessories before the fact to such Felony, whether the Trial of such person or persons shall have been had according to the course of the Common Law, as in the case of a Felony committed within the body of any County in this Realm, or according to the Provisions contained in the Statute made in the 28th year of King Henry the 8th, as in the case of a Felony committed on the High Seas, shall be liable to be again indicted, prosecuted, or tried for the same Offence in any Court or Jurisdiction whatsoever.

By s. 7. the Act shall not extend to Ireland.

### III. *Trial of Piracies, Robberies, and Felonies upon the Sea.*

(And see Division I. § 6.)

§ 1.  
Where piracies,  
felonies, and  
robberies com-  
mitted on the  
sea shall be tried.

The Statute 11, 12 W. 3. c. 7. (made perpetual by 6 G. 1. c. 19.) reciting the Statute 28 H. 8. c. 15., and that since the making of that Act it hath been found by experience that persons committing Piracies, Robberies, and Felonies on the Seas, in or

near the East and West Indies, and in places very remote, cannot be brought to condign Punishment without great trouble and charges in sending them into England to be tried within the Realm, as the said Statute directs, insomuch that many idle and profligate persons have been thereby encouraged to turn Pirates, trusting that they shall not or at least cannot easily be questioned for such their Piracies and Robberies, by reason of the great trouble and expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for same, declares and enacts, that all Piracies, Felonies, and Robberies committed in or upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have power, authority, or jurisdiction, may be examined, inquired of, tried, heard, and determined and adjudged according to the directions of this Act in any place at Sea, or upon the Land in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that purpose by the King's Commission or Commissions under the Great Seal of England or the Seal of the Admiralty of England, directed to all or any of the Admirals, Vice Admirals, Rear Admirals, Judges of Vice Admiralties, or Commanders of any of his Majesty's Ships of War, and also to all or any such Person or Persons, Officer or Officers, by name or for the time being, as his Majesty shall think fit to appoint; which said Commissioners shall have full power jointly or severally, by Warrant under the Hand and Seal of them or any one of them, to commit to safe Custody any person or persons against whom Information of Piracy, Robbery, or Felony upon the Sea shall be given upon Oath (which Oath they or any one of them shall have full power and are hereby required to administer), and to call and assemble a Court of Admiralty on Shipboard or upon the Land when and as often as occasion shall require, which Court shall consist of seven persons at the least.

1 Hale, P. C.  
355.  
Vin. vol. 16.  
p. 352.

And if so many persons aforesaid cannot conveniently be assembled, any three of the aforesaid persons (whereof the President or Chief of some English Factory, or the Governor, Lieutenant Governor, or Member of his Majesty's Councils in any of the Plantations or Colonies aforesaid, or Commander of one of his Majesty's Ships, is always to be one) shall have full Power and Authority by virtue of this Act to call and assemble any other persons, on Shipboard or upon the Land, to make up the number of seven. 11, 12 W. 3. c. 7. s. 2.

Seven persons  
may form a  
court.

Who are qualified to sit and vote.

Provided, that no persons but such as are known Merchants, Factors, or Planters, or such as are Captains, Lieutenants, or Warrant Officers in any of his Majesty's Ships of War, or Captains, Masters, or Mates of some English Ship, shall be capable of being so called, and sitting and voting in the said Court. 11, 12 W. 3. c. 7. s. 3.

Powers of the court.

Such persons called and assembled as aforesaid shall have full Power and Authority, according to the course of the Admiralty, to issue Warrants for bringing any persons accused of Piracy or Robbery before them, to be tried, heard, and adjudged, and to summon Witnesses, and to take Informations and Examinations of Witnesses upon their Oath, and to do all things necessary for the hearing and final determination of any case of Piracy, Robbery, and Felony, and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid, according to the Civil Law and the methods and rules of the Admiralty; and that all and every person and persons so convicted and attainted of Piracy or Robbery shall have and suffer such Losses of Lands, Goods, and Chattels, as if they had been attainted and convicted of any Piracies, Felonies, and Robberies, according to the Statute 28 H. 8. c. 15. s. 4.

Mode of opening the court.

So soon as any Court shall be assembled as aforesaid, either on Shipboard or upon the Land, the King's Commission shall first be openly read, and the said Court then and there shall be solemnly and publicly called and proclaimed, and then the President of the Court shall, in the first place, publicly in open Court, take the following Oath, viz.

Members shall take the following oath.

“ I, A. B. do swear, in the Presence of Almighty God, that I will truly and impartially try and adjudge the Prisoner or Prisoners which shall be brought upon his or their Trials before this Court, and honestly and duly on my part put his Majesty's Commission for the trying of them in Execution, according to the best of my skill and knowledge; and that I have no Interest directly or indirectly in any Ship or Goods, for the piratically taking of which any person stands accused and is now to be tried. So help me God.” s. 5.

And he having taken the Oath in manner aforesaid, shall immediately administer the same Oath to every person who shall sit and have and give a Voice in the said Court upon the Trial of such Prisoner or Prisoners as aforesaid; and immediately thereupon the said Prisoner or Prisoners shall be formally brought before them, and then the Register of the said Court shall



openly and distinctly read the Articles against such Prisoner or Mode of Trial.  
 Prisoners upon which they or any of them is or are to be tried,  
 wherein shall be set forth the particular fact or facts of Piracy,  
 Robbery, and Felony, with the time and place when and where,  
 and in what manner it was committed; and then each Prisoner  
 shall be asked whether he be guilty of the said Piracy and  
 Robbery, or Felony, or not guilty, whereupon every such Pri-  
 soner shall immediately plead thereunto guilty or not guilty,  
 or else it shall be taken as confessed, and he shall suffer such  
 pains of Death, loss of Lands, Goods, and Chattels, and in like  
 manner as if he or they had been attainted or convicted upon  
 the Oath of Witnesses or his own Confession; but if any Pri-  
 soner shall plead not guilty, Witnesses shall be produced by the  
 Register, and duly sworn and examined openly *viva voce* in the  
 Prisoner's presence; and after a Witness hath answered all the  
 Questions proposed by the President of the Court, and given his  
 Evidence, it shall and may be lawful for the Prisoner to have  
 the Witness cross-examined, by first declaring to the Court what  
 Questions he would have asked, and thereupon the President  
 of the Court shall interrogate the Witness accordingly; and  
 every Prisoner shall have liberty to bring Witnesses for his  
 defence, who shall be sworn and examined upon Oath as the  
 Witnesses were that testified against him; and afterwards the  
 Prisoner shall be fairly heard what he can say for himself; and  
 which being done, the Prisoner shall be taken away and kept in  
 safe custody, and all other persons, except the Register, shall  
 withdraw from the said Court, and then the Court shall consider  
 of the Evidence which hath been given, and debate the matters  
 and circumstances of the Prisoner's case; and the President of  
 the Court shall collect all the Votes of the persons who do sit  
 and have Voices in the said Court, beginning at the junior first  
 and ending with himself; and according to the Plurality of  
 Voices, Sentence and Judgment shall be then given and pro-  
 nounced publicly in the presence of the Prisoner or Prisoners,  
 being called in again; and according to such Sentence and Execution of  
the Sentence.  
 Judgment, the person or persons attainted shall be executed and  
 put to Death, at such time, in such manner, and in such place  
 upon the Sea, or within the ebbing or flowing thereof, as the  
 President, or the major part of the Court, by Warrant directed to  
 a Provost Marshal (which the President or said major part shall  
 have power to constitute) shall appoint. 11, 12 W. 3. c. 7. s. 6.

Some Person being a public Notary shall be Register of the Register of the  
court shall be a  
public notary.  
 Court; and in case of his Absence, Death, or Incapacity, or

Oath to be taken  
by him.

His duty.

Trial of Of-  
fences in the  
American plan-  
tations.

for want of a Person so qualified, the President of the Court shall and may appoint a Register, giving him an Oath (which he is hereby empowered to administer) duly, faithfully, and impartially to execute his Office; which Register shall prepare all Warrants and Articles, and take care to provide all things requisite for any Trial, according to the substantial and essential Parts of Proceedings in a Court of Admiralty, in the most summary way; and shall take Minutes of the whole Proceedings, and enter them duly in a Book by him to be kept for that Purpose, and shall from time to time, as Opportunity offers, transmit the same, with Copies of all Articles and Judgements given in any such Cases, in any Court whereof he shall be Register, unto the High Court of Admiralty in England. 11, 12 W. 3. c. 7. s. 7.

For the more effectual Prosecution and Punishment of Piracies, Felonies, and Robberies upon the Sea, and of all other Offences aforementioned; it is declared and enacted, that the Commissioners appointed or to be appointed by the afore-mentioned Statute [of H. 8.] or the Commissioners for trial of Pirates appointed by this Act, shall from and after the said 29th September 1700, have the sole Power and Authority of trying, hearing, and determining the said Crimes and Offences within all or any of the Colonies and Plantations in America, governed by Proprietors or under Grants or Charters from the Crown, and of bringing the Offenders to condign Punishment, and shall and may issue forth their Warrant or Warrants for the seizing and apprehending of any Pirates, Felons, or Robbers upon the Sea, or their Confederates or Accessories being within any of the said Colonies and Plantations, in order to their being brought to Trial within the same or any other Plantations in America, according to this Act, or sent into England to be tried there; and that all and every Governor and Governors, Person and Persons in Authority in the said Colonies and Plantations governed by Proprietors, or under Charters as aforesaid, shall assist the Commissioners and their subordinate Officers in doing their duty, and also in the Execution of such Warrants and otherwise, and shall deliver up to such Commissioner or Commissioners, Officer or Officers, any Pirates, Felons, and Robbers upon the Sea, and their Confederates and Accessories, in order to their being tried, or sent into England as aforesaid, any Letters Patents, Grants, or Charters of Government in and about the said Plantations, or other usages heretofore had or made to the contrary notwithstanding. 11, 12 W. 3. c. 7. s. 14.

If any of the Governors in the said Plantations, or any Person or Persons in Authority there, shall refuse to yield obedience to this Act, such refusal is hereby declared to be a forfeiture of all and every the Charters granted for the Government or Propriety of such Plantation. s. 15.

Penalty on governors, &c. of Plantations not obeying this Act.

Whensoever any Commission for the Trial and Punishment of the Offences aforesaid, or any of them, shall be directed or sent to any place within the Jurisdiction of the Cinque Ports, that then every such Commission shall be directed unto the Lord Warden of the Cinque Ports for the time being, or to his Lieutenant, and unto such other persons as the Lord High Chancellor, or Keeper of the Great Seal of England for the time being, or Commissioners for the Custody of the Great Seal, shall name and appoint; and likewise that every Inquisition and trial to be had by virtue of such Commission so directed and sent to any place in the said Cinque Ports, shall be made and had by the Inhabitants of the said Cinque Ports, or the Members of the same, any thing in this Act to the contrary notwithstanding. s. 16.

Trial of such offences within the Cinque Ports.

This Act is made perpetual by 6 G. 1. c. 19.

All and every person and persons who have committed or shall commit any Offence or Offences for which they ought to be adjudged, deemed, and taken to be Pirates, Felons, or Robbers by 11, 12 W. 3. c. 7., may be tried and judged for every such Offence in such manner and form as in and by 28 H. 8. c. 15. is directed and appointed for the Trial of Pirates, and shall and ought to be utterly debarred and excluded from the Benefit of Clergy for the said Offence; any Law or Statute to the contrary thereof in anywise notwithstanding. 4 G. 1. c. 11. s. 7.

§ 2.  
Offenders against 11, 12 W. 3. c. 7. shall be tried and judged as under 28 H. 8. c. 15.

This Act shall extend to all his Majesty's Dominions in America. s. 9.

For the more speedy bringing Offenders to justice, and to prevent the inconveniences occasioned by want of frequently holding a Session of Admiralty for the Trial of Offences committed on the High Seas, be it enacted, that from and after 1 June 1759, a Session of Oyer and Terminer and Gaol Delivery, for the Trial of Offences committed upon the High Seas within the Jurisdiction of the Admiralty of England, shall be held twice at least in every Year, that is to say, in the several Months of March and October in each Year, at Justice Hall in the Old Bailey, London, except at such times as the Sessions of Oyer

§ 3.  
The Admiralty Sessions shall be held twice at least in the year.

and Terminer and Gaol Delivery for the City of London and County of Middlesex shall be appointed to be there held, or in such other Places within that part of Great Britain called England, as the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain, for the time being, or any Three or more of them, shall by any Letter or Order in Writing under their hands, directed to the Judge of the High Court of Admiralty in England for the time being appoint. 32 G. 2. c. 25. s. 20.

Commissioners  
of Oyer and  
Terminer for  
the Admiralty  
Jurisdiction, and  
Justices of  
Peace, may take  
Informations  
of piracy, &c.

From and after 1 June 1759, it shall and may be lawful not only to and for any one or more of the Commissioners for the time being named in the Commission of Oyer and Terminer for the trying of Offences committed within the Jurisdiction of the Admiralty of England, but also to and for any one or more of the Justices of the Peace for the time being of any County, Riding, Division, or Place within that part of Great Britain called England, and they are hereby respectively authorized and empowered from time to time to take any Information or Informations of any Witness or Witnesses in writing, upon Oath, touching any Piracy, Felony, or Robbery done or committed, or charged to have been done or committed, in or upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals hath or have Power, Authority, or Jurisdiction; and thereupon (if such Commissioner or Commissioners or Justice or Justices of the Peace respectively shall see cause) by any Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the person or persons accused in such Information or Informations to be apprehended and committed to the Gaol of the County or Place wherein the same Information or Informations shall be taken, there to remain until discharged by due course of Law. s. 21.

§ 4.

To stand mute,  
&c. upon arraignment for Piracy  
shall amount to  
a conviction.

For the more effectual proceeding against persons standing mute on their Arraignment for Felony or Piracy, be it enacted, that if any person, from and after the passing of this Act, being arraigned on any Indictment or Appeal for Felony, or on any Indictment for Piracy, shall, upon such Arraignment, stand mute, or will not answer directly to the Felony or Piracy, such person so standing mute as aforesaid shall be convicted of the Felony or Piracy charged in such Indictment or Appeal, and the Court before whom he shall be so arraigned shall thereupon award Judgment and Execution against such person, in the same manner as if such person had been convicted by Verdict or Confes-

sion of the Felony or Piracy charged in such Indictment or Appeal, and such Judgment shall have all the same consequences in every respect as if such person had been convicted by Verdict or Confession of such Felony or Piracy, and Judgement had been thereupon awarded. 12 G. 3. c. 20. s. 1.

The Provisions of this Act shall extend to his Majesty's Colonies and Plantations in America. s. 2.

## **Polygamy.**

If any person that by this or any other Statute or Law ought to have the Benefit of his Clergy, such person shall be allowed to have his Clergy, although they may have been sundry times married to any single Woman or single Women, or to any Widow or Widows, or to two Wives or more. 1 Ed. 6. c. 12. s. 16.

Clergy allowed to bigamists.

If any person within his Majesty's dominions of England and Wales being married, or which hereafter shall marry, do at any time after the end of the Session of this present Parliament, marry any person or persons, the former Husband or Wife being alive, that then every such Offence shall be Felony, and the person and persons so offending shall suffer Death as in Cases of Felony, and the party and parties so offending shall receive such and the like Proceeding, Trial, and Execution in such County where such person or persons shall be taken or apprehended. 1 Jac. 1. c. 11.

Felony to marry a second husband or wife, the first being living, 3 Inst. 88. Cro. Eliz. 94. Cro. Car. 461. March. 101. Kelyng, 79, 80. 1 Hale P. C. 692.

This Act shall not extend to any person or persons whose Husband or Wife shall be continually remaining beyond the Seas by the Space of Seven Years together, or whose Husband or Wife shall absent himself or herself the one from the other by the Space of Seven Years together, in any parts within his Majesty's dominions, the one of them not knowing the other to be living within that time. s. 2.

To whom this Act shall not extend.

This Act shall not extend to any person or persons that are or shall be at the time of such Marriage divorced by any Sentence had or hereafter to be had in the Ecclesiastical Court; nor to any person or persons where the former Marriage hath been or hereafter shall be, by Sentence in such Court, declared to be void and of no effect; nor to any person or persons for or by reason of any former Marriage had or made or hereafter to be had or made within age of consent. s. 3.

No corruption of blood, loss of dower, &c.

No Attainder for any Offence made Felony by this Act, shall make or work any Corruption of Blood, Loss of Dower, or Disinherison of Heir or Heirs. s. 4.

Persons convicted of Polygamy subjected to the same punishment as may be inflicted for grand or petit larceny.

The Statute 35 G. 3. c. 67. intituled "An Act for rendering more effectual an Act passed in the first Year of the Reign of King James the First, [1 Jac. 1. c. 11.]" recites, that "the Punishment of persons convicted of Felony under or by virtue of that Act, has not proved effectual to deter wicked and evil disposed persons from being guilty of the Offence therein described;" and then enacts, that if any person or persons within his Majesty's dominions of England and Wales being married, or which hereafter shall marry, do at any time from and after the passing of this Act marry any person or persons, the former Husband or Wife being alive, and shall be in due manner convicted thereof under the said Act, shall be subject and liable to the same Penalties, Pains, and Punishments, as by the Laws now in force persons are subject and liable to, who are convicted of Grand or Petit Larceny. s. 1.

And returning from Transportation ousted of clergy.

If any person or persons who shall be ordered to be transported by virtue of this Act, shall be afterwards at large within Great Britain without some lawful excuse before the Expiration of the Term for which such person or persons shall be ordered to be transported, all and every such person or persons, being thereof lawfully convicted, shall be guilty of Felony, and suffer Death as a Felon without Benefit of Clergy. s. 2.

Where offenders shall be tried.

Such person and persons so ordered to be transported as aforesaid, and afterwards found at large within Great Britain, may be tried for such Offence either in the County where such person or persons was or were so convicted and ordered to be transported as aforesaid, or in such County where such person or persons shall be apprehended and taken (such County being within England or Wales); and in such latter case, the Clerk or other person having the Custody of the Records of the Court by which such person or persons was or were ordered to be transported, shall certify a Transcript, briefly containing the Tenor and Effect of the Record of the Indictment, Verdict, and Judgement against such person and persons, which Certificate being produced to the Court before whom such person or persons shall stand on their Trial shall be deemed and taken to be sufficient Evidence of the Indictment, Verdict, and Judgement contained in such Record. s. 3.

Certificate of the Keepers of the record shall be evidence of former conviction.



## Pleaders.

It is provided, that if any Sergeant, Pleader or other do any Manner of Deceit or Collusion in the King's Court or consent unto it in deceit of the Court, or to beguile the Court or the Party, and thereof be attainted, he shall be imprisoned for a Year and a Day, and from thenceforth shall not be heard to plead to that Court for any Man; and if he be no Pleader, he shall be imprisoned in like manner by the space of a Year and a Day at least; and if the Trespass require greater Punishment, it shall be at the King's Pleasure. 3 Ed. 1. c. 29.

Sergeants, pleaders, &c. doing any deceit shall not be allowed to plead, and shall be imprisoned.

## Pleas of the Crown.

No Sheriff, Constable, Escheator, Coroner, nor any other our Bailiffs, shall hold Pleas of our Crown. 9 H. 3. c. 17.

Sheriffs, &c. shall not hold pleas of the crown.

## Poison.

The Statute 43 G. 3. c. 58. (1) enacts, that if any person or persons, from and after 1 July 1803, shall either in England or Ireland, wilfully, maliciously, and unlawfully administer to or cause to be administered to or taken by any of his Majesty's Subjects, any deadly poison, or other noxious and destructive substance or thing, with intent such his Majesty's Subject or Subjects thereby to murder, or thereby to 'cause and procure the Miscarriage of any Woman then being quick with Child, that then and in every such case the person or persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such offence, shall be and are hereby declared to be Felons, and shall suffer death as in cases of Felony without Benefit of Clergy.

Persons administering poison or other destructive subject to another, with intent thereby to murder them, ousted of clergy.

The second section enacts, that persons administering or causing to be administered any Medicine, Drugs, or other noxious substance or thing, to any woman not being quick with Child, shall be guilty of Felony, and be liable to be fined, imprisoned, &c. or to be transported for fourteen years.

See this section at length under title WOMEN.

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(1) Which see at length under title WOMEN.

## Prisoners.

Justices of King's Bench may remand prisoners brought before them into the county where the offence was committed.

Where divers Felons and Murtherers upon feigned and untrue surmises have often times removed as well their Bodies as their Indictments, by Writ and otherwise, before the King in his Bench, and cannot by the Order of the Law be remitted and sent down to the Justices of Gaol Delivery or of the Peace, ne other Justices, no Commissioners, to proceed upon them after the Course of the Common Law; be it therefore ordained and enacted, that the Justices of the King's Bench for the time being have full Authority and Power, by their Discretions, to remand and send down as well the Bodies of all Felons and Murtherers brought or removed, or that shall be removed or brought before the King in his Bench, as their Indictments, into the Counties where the same Murthers or Felonies have been committed and done, and to command all Justices of Gaol Delivery, Justices of Peace, and all other Justices and Commissioners, and every of them, to proceed and determine upon all the aforesaid Bodies and Indictments so removed after the Course of the Common Law, in such Manner as the same Justices of Gaol Delivery, Justices of Peace, and other Commissioners, or any of them, might or should have done if the said Prisoners or Indictments had never been brought into the said King's Bench. 6 H. 8. c. 6.

Felons and debtors shall not be lodged together.

It shall not be lawful hereafter for any Sheriff, Gaoler or Keeper of any Gaol or Prison, to put, keep or lodge Prisoners for Debt and Felons together in one Room or Chamber, but that they shall be put, kept and lodged separate and apart from one another in distinct Rooms, upon Pain that he offending against this Act shall forfeit and lose his Office, Place or Employment, and shall forfeit treble Damages to the Party grieved. 22, 23 Car. 2. c. 20.

## Prisoners of War.

The Statute 52 G. 3. c. 156. for the more effectual Punishment of Persons aiding Prisoners of War to escape from his Majesty's Dominions, recites, that many Prisoners of War confined and on Parole in different parts of his Majesty's Dominions have of late escaped by the Aid and Assistance of many of his Majesty's Subjects and others; and that it is necessary to repress such Practices and Violations of the Allegiance due to his Majesty and of the Law, by more effectual Punishment; and then enacts, that every Person who shall, from and after the passing

of this Act, knowingly and wilfully aid or assist any Alien Enemy of his Majesty, being a Prisoner of War in his Majesty's Dominions, whether such Prisoner shall be confined as a Prisoner of War in any Prison or other Place of Confinement, or shall be suffered to be at large in his Majesty's Dominions or any Part thereof on his Parole, to escape from such Prison or other Place of Confinement, or from his Majesty's Dominions, if at large upon Parole, shall upon being convicted thereof be adjudged guilty of Felony, and be liable to be transported as a Felon for Life, or for such Term of Fourteen or Seven Years as the Court before whom such Person shall be convicted shall adjudge. s. 1.

Persons aiding prisoners of war to escape declared guilty of felony.

Provided always, that every Person who shall knowingly and wilfully aid or assist any such Prisoner at large on Parole in quitting any Part of his Majesty's Dominions where he may be on his Parole, although he shall not aid or assist such Person in quitting the Coast of any Part of his Majesty's Dominions, shall be deemed guilty of aiding the Escape of such Person under the Provisions of this Act. s. 2.

Persons aiding any such prisoner of war in quitting any part of his Majesty's dominions, though he do not assist the prisoner in quitting the coast, deemed guilty of aiding the escape.

If any person or persons owing Allegiance to his Majesty, after any such Prisoner as aforesaid hath quitted the Coast of any Part of his Majesty's Dominions in such his Escape as aforesaid, shall knowingly and wilfully upon the High Seas aid or assist such Prisoner in his Escape to or towards any other Dominions or Place, such person shall also be adjudged guilty of Felony, and be liable to be transported as aforesaid; and such Offences committed upon the High Seas and not within the Body of any County, shall and may be enquired of, tried, heard, determined, and adjudged in any County within the Realm, in like Manner as if such Offences had been committed within such County.

Persons assisting on the high seas such prisoner of war to escape may be tried in any county.

s. 3.

This Act shall not be deemed or taken to prevent any person committing any Offence mentioned in this Act, from being prosecuted in such Manner as he might by Law have been prosecuted if this Act had not passed; but nevertheless no person prosecuted otherwise than under the Provisions of this Act, shall be liable to be prosecuted for the same Offence under the Provisions hereof; and no Person prosecuted under the Provisions of this Act shall for the same Offence be liable to be otherwise prosecuted. s. 4.

Offences may be tried otherwise than under this Act; but not to be tried twice for the same offence.

## Privileged Places.

For the better execution of process within certain pretended privileged places.

The Statute 8, 9 W. 3. c. 27. “ for preventing Abuses in Prisons and other Privileged Places,” recites (by s. 1.) that “ by reason of several pretended Privileged Places within this Realm, both Creditors and Debtors have been notoriously abused, and the good Intents of the Law wholly eluded;” and further recites (s. 15.) that “ for the preventing for the future the many notorious and scandalous Practices used in many pretended privileged Places in and about the Cities of *London* and *Westminster* and Borough of *Southwark* in the County of *Surrey*, by obstructing the Execution of legal Process there, and thereby defrauding and cheating great numbers of People of their honest and just Debts,” and enacts (s. 15.) that it shall and may be lawful for any Person or Persons who have or hath any Debt or Debts, Sum or Sums of Money due or owing to him from any Person or Persons who now is, or hereafter shall be, and reside within the *Whitefriars*, *Savoy*, *Salisbury Court*, *Ram Alley*, *Mitre Court*, *Fuller’s Rents*, *Baldwin’s Gardens*, *Montague Close*, or the *Minories*, *Mint*, *Clink*, or *Deadman’s Place*, upon legal Process taken out against such Person or Persons, to demand and require the Sheriffs of *London* and *Middlesex*, Head Bailiff of the Liberty of the Duchy of *Lancaster* or High Sheriff of the County of *Surrey*, or Bailiff of the Liberty of the Borough of *Southwark* for the Time being (as the Case shall require, if the Plaintiff think it requisite), or their respective Deputy or Deputies, Officer or Officers, to take, and they are hereby enabled respectively to take the *posse comitatus*, or such other Power as to him or them or any of them shall seem requisite, and enter the said pretended privileged Places, and any or either of them (as the case shall require), and to arrest, and in case of Resistance or Refusal to open the Doors, to break open any Door or Doors to arrest such Person or Persons upon any Mesne or other Process, Extent, or Execution, or to seize the Goods of any such Person or Persons upon any Execution or Extent: and if the said Sheriff or Sheriffs, Head Bailiff, or their Deputy or Deputies, Officer or Officers, or any or either of them, shall neglect or refuse (upon such Request) with such Force to do their best Endeavours for the executing of such Process, Execution, or Extent, he or they so neglecting or refusing to execute such Process, Execution, or Extent, shall forfeit to the Plaintiff or Plaintiffs in such Action the Sum of One hundred Pounds, to be recovered by Action of Debt, &c. in which no Essoign, &c. shall be allowed: And if in the executing of such

Process, Execution, or Extent, any Person or Persons shall oppose or resist any such Officer or Officers or any of them, or any who shall be aiding or assisting to him, them, or any of them, in the executing of such Process, Execution, or Extent, he or they so offending, shall, for every time he or they shall so offend, forfeit the Sum of £50, and moreover shall be by some Justice of the Peace committed to the Common Gaol of such County, &c. where such Offence shall be committed, there to remain without Bail or Mainprize till the next Assizes, Sessions of Oyer and Terminer, and General Gaol Delivery, for such County, &c., and such Offender or Offenders being of such Offence or Offences duly convicted, every such Offender shall suffer and undergo such Imprisonment, and be set in the Pillory as the Court where such Conviction shall be shall think fit. The Clause then goes on and imposes a Fine of £500 (to be paid to the Plaintiff) on Persons making any Rescues of any Prisoner so taken by any such Officer upon such Process, and on failure of Payment thereof within one Month after Recovery had and Judgement signed thereupon, directs that the Party shall be transported for Seven Years. Persons harbouring or concealing Offenders making such Rescue, shall be transported for seven years, unless within one Month after such Conviction they pay the Plaintiff the full Debt and Costs; and Offenders returning to this Kingdom within such Term of seven years, are ousted of Clergy.

Penalty on persons obstructing the execution of such process.

The Statute 9 G. 1. c. 28. intituled "An Act for more effectual Execution of Justice in a pretended privileged Place in the Parish of Saint George in the County of Surrey, commonly called the *Mint*, and for bringing to speedy and exemplary Justice such Offenders as are therein mentioned;" recites that "whereas it is notorious that many evil disposed and wicked persons have, in defiance of the known Laws of this Realm, and to the great dishonour thereof, unlawfully assembled and associated themselves in and about a certain Place in the Parish of *Saint George* in the County of Surrey, commonly called or known by the Name of *Suffolk Place*, or the *Mint*, and have assumed to themselves (by unlawful Combinations and Confederacies) pretended Privileges altogether scandalous and unwarrantable, and have committed great Frauds and Abuses upon many of his Majesty's good Subjects, and by force and violence protected themselves and their wicked Accomplices against Law and Justice: And whereas it is evident that an Act [8, 9 W. 3. c. 27. (s. 15.) which see ante] hath not

The punishment of persons opposing the execution of process in Suffolk Place and the Mint in the Borough of Southwark.

proved effectual within the said Place commonly called *Suffolk Place* or the *Mint*; and it is absolutely necessary that further provision should be made for more effectually abolishing the pretended Privileges aforesaid, and for bringing all Offenders in the Premises to more speedy and exemplary Justice;" and then enacts, that if any person or persons shall after the 10th October 1723, within the said Place commonly called *Suffolk Place*, or the *Mint*, in the Parish of Saint George in the County of Surrey or within any the Limits or pretended Limits thereof, knowingly and wilfully obstruct or oppose any person or persons serving or endeavouring or attempting to serve or execute any Writ, or any Rule or Order of any Court of Law or Equity, or other legal Process whatsoever, or any Escape Warrant, or any Warrant or Warrants of any Justice or Justices of the Peace, or shall assault or abuse any person or persons serving or executing any such Writ, Rule, Order, Process, or Warrant, or for having so done, whereby any such person or persons shall receive any damage or bodily hurt; every person so knowingly and willingly offending in the Premises, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to some or one of his Majesty's Colonies or Plantations in America, by such ways, means, and methods, and in such manner and for such time, and under such Pains and Penalties, as Felons in other Cases are by Law to be transported. s. 1.

Justices of peace may issue warrants to the sheriff to raise the posse comitatus to arrest persons there upon a debt of £50 or upwards.

Upon any Complaint or Complaints at any time or times to be made to any Three or more Justices of the Peace of the County of Surrey by any person or persons who have or hath or shall have any Debt or Debts, Sum or Sums of Money, due or owing to him, her, or them, from any person or persons now being or which hereafter shall be or reside within the said Place or Places commonly called *Suffolk Place* or the *Mint*, or within any the Limits or pretended Limits thereof (such Creditor having any legal Writ or Process taken out for prosecuting, recovering or levying any such Debt or Debts, Sum or Sums of Money, and making Oath before such Justices of the Peace or any of them, that a Debt or Debts exceeding Fifty Pounds at the least is justly due to him, her, or them, from the person or persons against whom such Complaint shall be made, and that such Creditor verily believes that such person or persons doth then reside or remain within such Place or Places as aforesaid), it shall and may be lawful to and for the said Justices of the Peace, or any Three or more of them, and they are hereby



authorized and empowered, in all and every such Case and Cases (if they in their discretion shall find it to be requisite) to issue their Warrant or Order from time to time to the Sheriff of the County of Surrey, or to the Bailiff of the Liberty of the Borough of Southwark for the time being, thereby strictly enjoining and requiring him or them, his or their respective Deputy or Deputies, Officer or Officers (under such Penalty as by this Act is prescribed for Non-performance of his or their duty therein (1),) to raise and take the *posse comitatus*, or such other Power or Force as to the said Justices or any three or more of them, shall seem requisite, and enter the said pretended privileged Place called *Suffolk Place* or the *Mint*, and the Limits or pretended Limits thereof, and every or any part thereof, and to arrest, and in case of resistance or refusal to open or break open any Door or Doors to arrest such person or persons upon any mesne Process or other Process, Extent, or Execution, and to seize the Goods of any such person or persons upon any Execution or Extent; and if any person or persons shall resist or oppose any Officer or Officers of Justice, or any person or persons who shall be aiding or assisting to such Officer or Officers in the Execution of any Writ, or any Escape Warrant, or any Warrant or Warrants of any Justice or Justices of the Peace, or of any legal Process, Execution, or Extent, within the said Place called *Suffolk Place* or the *Mint*, or within any the Limits or pretended Limits thereof, or shall make *rescous* of any Prisoner taken upon any such Writ, Process, Execution, or Extent within the Place or Limits aforesaid, or shall there knowingly harbour or conceal any prisoner so taken, or any person or persons who rescued any such Prisoner, or shall be any way contriving, or knowingly and willingly abetting, aiding, or assisting in resisting any such Officer or Officers, or in rescuing any such Prisoner or Prisoners taken as aforesaid, or shall presume to exercise any unlawful Jurisdiction, or make or execute, or join in the making or executing any pretended Rule, Order, or Ordinance for supporting any pretended Privilege within the said Place called *Suffolk Place* or the *Mint*, or any the Limits or pretended Limits thereof, contrary to Law, or for opposing or hindering the due Execution of any legal Process or any lawful Warrant, or any Rule, Order, or Decree of any Court of Law or Equity; all and every person and

Persons opposing the execution of such process declared guilty of felony, and shall be transported.

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(1) £200.

persons so offending, being thereof lawfully convicted upon any Indictment or Information to be brought or filed within Six Months after the Offence committed, shall be adjudged guilty of Felony, and shall be transported to some or one of his Majesty's Colonies or Plantations in America, by such ways, means, and methods, and in such manner and for such time, and under such Pains and Penalties, as Felons in other cases are by Law to be transported. 9 G. 1. c. 28. s. 2.

Persons wearing any vizard, &c. or being in any way disguised, abetting, &c. any riot, or opposing process there, declared guilty of felony without clergy.

Persons concealing such offenders guilty of felony, and shall be transported.

“ And for more effectually preventing for the future the great and enormous mischiefs and abuses which have been riotously committed and done within the said place called *Suffolk Place* or the *Mint*, or within any the limits or pretended limits thereof, by wicked persons in Vizards, Masks, or disguised Habits, or having their Faces or Bodies disguised,” be it enacted, that if any person or persons whatsoever, wearing any Vizard, Mask, or disguised Habit, or having his or their Face or Faces, or Body or Bodies disguised, shall within the said place called *Suffolk Place* or the *Mint*, or within any the limits or pretended limits thereof, join in, or aid or abet any Riot or Tumult there, or shall in any Vizard, Mask, or other Disguise whatsoever, knowingly and willingly there oppose the Execution of any Legal Process, Order, or Warrant, or assault and abuse any person or persons serving or executing any such Process, Order, or Warrant, or for having so done; all and every such person and persons being lawfully convicted of any such Offence shall be adjudged guilty of Felony, and shall forfeit and suffer as in cases of Felony, without Benefit of Clergy: And all persons aiding, assisting or abetting, or knowingly harbouring or concealing any such disguised person or persons, being thereof convicted, shall be adjudged guilty of Felony, and shall be transported to some or one of his Majesty's Colonies or Plantations in America, by such ways, means, and methods, and in such manner and for such time, and under such Pains and Penalties, as Felons in other cases are by Law to be transported. s. 3.

By s. 4. a Reward of Forty Pounds (to be paid by the Sheriff) is given to such as apprehend and prosecute to Conviction the above specified Offenders; and by s. 5. a like Sum is given to the Executors of persons killed by Offenders.

The stat. 8, 9 W. 3. c. 27. not to be repealed by this Act.

By s. 10. it is provided, that nothing in this Act contained shall be construed to extend to repeal or make void the said Statute [8, 9 W. 3. c. 27.] or any other Law in force against

pretended privileged places, or for suppressing Riots or Tumults, but that the same shall to all intents and purposes be in as full force and effect as if this Act had never been made, except in such cases touching which other provision is made by this Act.

## Process.

(And see Title PRIVILEGED PLACES.)

It is accorded that after any man be indicted of Felony before the Justices in their Session to hear and determine, it shall be commanded to the Sheriff to attach his Body by Writ or by Precept, which is called a *Capias*; and if the Sheriff return in the same Writ or Precept that the Body is not found, another Writ or Precept of *Capias* shall be incontinently made, returnable at three weeks after; and in the same Writ or Precept it shall be comprised, that the Sheriff shall cause to be seized his Chattels, and safely to keep them till the day of the Writ or Precept returned; and if the Sheriff return that the Body is not found, and the Indicter cometh not, the Exigend shall be awarded, and the Chattels shall be forfeit, as the Law of the Crown ordaineth; but if he come and yield himself, or be taken by the Sheriff, or by other Minister, before the return of the second *Capias*, then the Goods and Chattels shall be saved. 25 Ed. 3. st. 5. c. 14.

A *capias* shall be issued against a felon indicted.

A second *capias* may be issued;

and the goods seized.

And then the exigent shall issue.

Forasmuch as great and grievous complaints have been made to the King of divers Murders, Manslaughters, Robberies, Batteries, Assemblies of People in great Number in manner of Insurrection, and of divers other Rebellions and Riots, and after such Offences the said Felons and Offenders flee and withdraw themselves into divers Woods and secret places, and unknown, and elsewhere, to the intent and purpose to avoid the execution of the Common Law, whereupon the King hath ordained and established, that if any person hereafter come into the Chancery and make complaint duly that any such Felon or Offender as afore is said flee or withdraw himself into any such place or elsewhere, to the intent aforesaid, upon such a complaint, a Bill shall be sufficiently made for the King; and the Chancellor of England for the time being, after such a Bill to him delivered, if he may be duly informed that such a Bill containeth truth, shall have power to make, according to his discretion, a Writ of *Capias* at the King's Suit, directed to the Sheriff of the County or Counties where the said Murders, Manslaughters, Robberies, Batteries, and other Offences be supposed by the said Bill to be done and perpetrate, returnable in the said Chancery

Upon complaint to the chancellor of the flight of felons into secret places, a *capias* shall be issued.

The party, if taken, shall be committed.

If not taken, a proclamation shall be made in two counties for the party to surrender.

The party not so surrendering shall be deemed attainted.

Two justices of peace and the sheriff shall testify such riots to the Chancellor.

See post 8 H. 6. c. 14. s. 1, 2.

Proviso for places where is a chancellor and a seal.

at a certain day ; and if the persons in the said Writs contained be taken by the said Sheriff, or yield themselves in the same Chancery, that then such persons shall be put in Ward or to Mainprise, according to the discretion of the Chancellor ; and moreover be it commanded to inquire of such Offences, and upon that shall be done as the Law requireth ; and if the Sheriff return at the day of the Capias returnable, that the persons in the same comprised, for any of these causes aforesaid, cannot be by him taken, neither the same persons do yield themselves in the said Chancery, that then the said Chancellor shall cause to be made a Writ of Proclamation, directed to the said Sheriff, returnable in the King's Bench at a certain day, that he shall make Proclamation in two Counties, that the persons named in the said Writ shall come at the said day in the Bench aforesaid, there to answer to the matter comprised within the said Bill, upon pain to be convict of the matter comprised in the said Bill ; and that in every such Writ of Proclamation shall be contained the substance of the matter comprised within the said Bill ; and if they come not at the day of such Proclamation returned, then shall they be holden and adjudged for convict and attainted as aforesaid ; and if they come at the Proclamation, it shall be of them inquired and done in manner as above is said. 2 H. 5. st. 1. c. 9.

Provided always, that the suggestions of such Riots be testified to the Chancellor of England, by Letters sealed under the Seals of two Justices of the Peace at the least, and the Sheriff of the County where such Riots shall be made, before that the Writ of Capias be granted, in which Writ of Capias the matter which is comprised within the same Bill shall be as well expressed as in the Writ of Proclamation thereof to be made ; and if such case happen in the County Palatine of Lancaster, or else in any Franchise where there is a Chancellor and a Seal, that then the Chancellor of England shall cause to be written or sent by the King's Writ to the Chancellor of such County or Franchise, all the Suggestion in the said Bill comprised, commanding him to make such execution as in the said article is comprised ; so always that the King's Writ shall not run out of the Chancery of England in such a County or Franchise otherwise than hath been used in time past ; and that this Ordinance shall stand in his full force until the end of the next Parliament (1). 2 H. 5. st. 1. c. 9. s. 2.

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(1) See the Statute 8 H. 6. c. 14. next page.

By the Statute 8 H. 6. c. 14. after reciting the Statute 2 H. 5. The stat. 2 H. 5. st. 1. c. 9. made perpetual. it is ordained and established, that the said Statute shall now be kept and firmly holden for a Statute for ever, as well of Murders, Manslaughters, Robberies, Batteries, Assemblies of People in great Number in manner of Insurrections, and divers other Rebellions and Riots made and committed before the beginning of this present Parliament, as in time to come. s. 1.

Provided always, that it be testified by two Justices of the Peace of the Counties where such Riots shall be supposed, Two justices shall certify the common fame of such riots before the capias shall be awarded. that the common fame and voice runneth in the same Counties of the same Riots, before that the Writ of Capias shall be awarded: Provided also, that if any such case happen in the said County Palatine of Lancaster, or elsewhere in a place enfranchised, where there is a Chancellor and a Seal, that then the said Chancellor of such County, or Place enfranchised Proviso for the County Palatine of Chester, and other enfranchised places. for the time being, after Complaint to him duly made and testified by a Justice, or the Lieutenant of a Justice and Sheriff of such County Palatine, or Place enfranchised for the time being, in the form aforesaid, shall have like power to award a Capias and a Writ of Proclamation aforesaid, as the said Chancellor of England for the time being hath. 8 H. 6. c. 14. s. 2.

Item, our Lord the King, considering how divers persons For prosecuting appeals and indictments in foreign countries. for their private Revenge, and not of Right, maliciously by subtle Imagination have caused and procured many of his faithful liege People falsely to be indicted and appealed of several Treasons, Felonies, and Trespasses, before Justices of the Peace, and other Commissioners and Justices, and others having power to take Indictments or Appeals, in divers foreign Counties, Liberties, and Franchises of England, in which the said Lieges be not, nor at any time were conversant nor dwelling; by force of which Indictments and Appeals, and the Processes upon them made in the said Counties, Franchises, and Liberties, the said persons so indicted have been and daily be put in exigent and after outlawed, and thereupon their Goods and Chattels, Lands and Tenements forfeit, and they in great jeopardy of their lives, whereas the said persons so indicted, appealed, or put in exigent, or outlawed, had never knowledge of such Indictments, Appeals, Exigents, or Outlawries; which Falsehood and Malice daily doth abound and increase in divers Counties, Liberties, and Franchises of England, in great Hindrance, Loss, and perpetual Destruction of many of his said faithful and innocent liege people, and very likely to increase hereafter, if convenient Remedy be not ordained and provided

Fitz. Process,  
192.

Hob. 166.  
3 Ca. 59.

in this behalf: And therefore the same our Lord the King, of his special Grace, and by Authority of this Parliament, for ease and tranquillity of his faithful Lieges of this Realm, hath caused to be ordained and stablished, that upon every Indictment or Appeal by which any of the said Lieges dwelling in other Counties than there where such Indictment or Appeal is or shall be taken of Treason, Felony, and Trespass, to be taken hereafter before the Justices of Peace, or before any other having power to take such Indictments or Appeals, or other Commissioners or Justices in any County, Franchises, or Liberty of *England*, before any Exigent awarded upon any Indictment or Appeal in the form aforesaid to be taken, that presently after the first Writ of *Capias* upon every such Indictment or Appeal, awarded and returned, that another Writ of *Capias* be awarded directed to the Sheriff of the County whereof he which is so indicted is or was supposed to be conversant by the same Indictment, returnable before the same Justices or Commissioners before whom he is indicted or appealed, at a certain day, containing the space of Three Months from the date of the said last Writ, where the Counties be holden from Month to Month, and where the Counties be holden from Six Weeks to Six Weeks he shall have the space of Four Months, until the day of the return of the same Writ; by which Writ of second *Capias*, be it contained and commanded to the same Sheriff, to take him which is so indicted or appealed by his body, if he can be found within his Bailiwick; and if he cannot be found within his Bailiwick, that the said Sheriff shall make Proclamation in two Counties before the return of the same Writ, that he which is so indicted or appealed shall appear before the said Justices or Commissioners in the County, Liberty, or Franchise where he is indicted or appealed, at the day contained in the said last Writ of *Capias*, to answer to our Lord the King, or to the Party, of the Felony, Treason, or Trespass whereof he is so indicted or appealed; after which second Writ of *Capias*, so served and returned, if he which is so indicted or appealed come not at the day of the same Writ of *Capias* returned, the Exigent shall be awarded against such persons indicted or appealed, and every of them: And if any Exigent hereafter be awarded upon any such Indictment or Appeal against the Form aforesaid, or any Outlawry be upon that pronounced, as well the Exigent so awarded as the Outlawry upon that pronounced, and every of them, shall be holden for none and void; and that the party upon whom such Exigent against the Form aforesaid is awarded, or Outlawry



pronounced, be not damaged, nor put to loss of his Goods or Chattels, Lands or Tenements, nor of his Life: Provided Hob. f. 21. always, that the Statute made in the last Parliament, of Processes to be made in such case before the King in his Bench, stand in Rast. 123. his force: And moreover, the same our Lord the King hath granted by Authority aforesaid, that every person indicted or appealed in the form aforesaid from henceforth, after that he be duly acquit by Verdict, that he shall have a Writ and Action upon his case against every Procurer of such Indictments or Appeals; and like process shall be upon and in the same Writ, as in a Writ of Trespass done with Force and Arms; and if such Procurer be attainted in his behalf, that the Plaintiff shall recover his treble Damages: Provided always, that this Ordinance shall not extend to Indictments or Appeals taken or to be taken within the County of *Chester*: Provided also, that if any of the said Lieges or any of their Heirs be or shall be appealed or indicted of Felony or Treason, and at the time of the same Felony or Treason supposed he is and was conversant within the County whereof the Indictment or Appeal maketh mention, the like Process be made against such person so indicted or appealed as hath been used always before this time. 8 H. 6. c. 10.

The Statute 8 H. 6. c. 10. shall be holden and kept and put in due Execution in all points; Joined to the same, that if any such Indictments taken or to be taken before any Justices of Peace, or before any other having power to take such Indictments or Appeals, or other Justices or Commissioners in any County, Franchise, or Liberty of England, shall be removed before the King in his Bench or elsewhere by Certiorari or otherwise, then after such removing, before any Exigent awarded upon any such Indictment or Appeal in the form aforesaid, taken or to be taken, that presently after the first Writ of Capias upon every such Indictment or Appeal awarded and returned, that another Writ of Capias be awarded, directed to the Sheriff of the County whereof he that is so indicted or appealed is or was supposed to be conversant, by the same Indictment or Appeal, returnable before the King in his Bench at a certain day, containing the space of three Months, or four from the date of the said last Writ of Capias, according to the manner and form that the Justices of Peace and other in the said first Statute (8 H. 6. c. 10.) contained ought to have done before such removing, after the making of the said first Statute, and moreover to make Process according to the effect and purport of the said first

Statute; and if any such Exigent be hereafter awarded upon any such Indictment or Appeal after such removing against the Form aforesaid, or any Outlawry thereupon pronounced, as well the same Exigent so awarded as the Outlawry thereupon to be pronounced, and every of them, shall be holden for none and void, according as in the said first Statute is more fully contained. 10 H. 6. c. 6.

Process of the peace, &c. shall only be granted out of Chancery or King's Bench upon motion, &c.

All Process of the Peace or Good Behaviour to be awarded or granted out of the Court of Chancery or K. B. against any person, at the suit of any other person, shall be void unless it shall be so granted or awarded upon motion made before the Judge or Judges of the same Courts, sitting in open Court, upon Declaration in Writing upon their corporal Oaths to be exhibited to them, by the parties desiring such Process, of the cause for which it shall be granted, and unless such Motion and Declaration be mentioned to be made on the back of the Writ; and if the cause expressed in such Writings shall afterwards appear to be untrue, the Judge or Judges of such Courts, or either of them, shall award Costs to the Party grieved as they shall think fit; and the Party so offending be committed to prison by such Judge or Judges till they pay such Costs. 21 Jac. 1. c. 8.

And also writs of supersedeas.

Every Supersedeas out of the said Courts shall also be void, except it be granted on motion in like manner in open Court, and upon sureties given, and upon its appearing to the Judge that the Process of the Peace or Good Behaviour is prosecuted against the Party applying for the Supersedeas. s. 3. By s. 5. power is given to a Judge of such Courts to punish any Offence in improperly obtaining such Writs or procuring such Surety, and such false and insufficient Bailers, according to their discretions, not extending to Life or Member.

All process served on a Sunday (except for Treason, felony, or breach of the peace) void.

No person or persons upon the Lord's Day shall serve or execute, or caused to be served or, executed any Writ, Process, Warrant, Order, Judgement, or Decree, (except in cases of Treason, Felony, or Breach of the Peace), but that the Service of every such Writ, Process, Warrant, Order, Judgement, or Decree, shall be void; and the person or persons serving or executing the same shall be liable, at the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if they had done the same without any Writ, &c. 29 Car. 2. c. 7. s. 6.

Clerk of the crown shall not exhibit any information or

Reciting that many malicious persons had procured to be exhibited and prosecuted Informations in the King's Bench, against persons in all Counties of England, for Trespasses, Batteries,

and other Misdemeanors, and after the Parties informed against had appeared thereto and pleaded to Issue, the Informers very seldom proceeded any further, and that such Defendants had no remedy for obtaining Costs against such Informers; and that persons prosecuted in the said Court of King's Bench to Outlawries for Debts, Trespasses, and other Misdemeanors, could only reverse them by their personal Appearance, which cost them very dear; enacts, that the Clerk of the Crown in the said Court of K. B. for the time being, shall not, without express Order to be given by the said Court in open Court, exhibit, receive, or file any Information for any of the causes aforesaid, or issue out any Process thereupon, before he shall have taken, or shall have delivered to him a Recognizance from the person procuring such Information to be exhibited, with the Place of his Abode, Title, or Profession, to be entered to the person against whom such Information is to be exhibited, in the Penalty of £20, that he will effectually prosecute such Information and abide by and observe such Orders as the Court shall direct; which Recognizance the said Clerk of the Crown, and every Justice of Peace of any County, City, &c. (where the cause shall arise) may take; and the said Clerk shall file a memorandum of such Recognizance in some public Place in his Office, that all persons may resort thereto without Fee; and if the Defendant shall appear to such Information and plead to issue, and the Prosecutor shall not, within One Year, procure the same to be tried, or if a Verdict pass for the Defendant, or the Informer enter a Noli Prosequi, the said Court shall award Costs to the Defendant, unless the Judge, before whom such Information shall be tried, shall, at the Trial of such Information in open Court, certify upon Record, that there was a reasonable cause for exhibiting such Information. If the Informer does not pay such Costs within Three Months after Taxation, the Defendant shall have the benefit of the said Recognizance to compel him. 4, 5 W. & M. c. 18. s. 1, 2.

Persons outlawed in K. B. for any cause, except Treason and Felony, may appear by Attorney, and reverse the same without Bail in all cases except where special Bail is ordered by the Court. s. 8.

Persons outlawed (except for Treason and Felony), and taken upon a Cap. utlagat. may be discharged by the Sheriff (when special Bail is not required by the Court), upon an Attorney's engagement to appear for the Defendant, and reverse the Outlawry; and where special Bail is required, the Sheriff shall

issue process in certain cases till the prosecutor has given recognizance.

2 Hawk. P. C. c. 26.

3 Burr. 1615. 1812.

Costs to defendants in certain cases.

1 Salk. 194.

Defendants may reverse certain outlawries by attorney. 2 Salk. 496.

Upon what security sheriff may discharge persons taken upon cap. utlagat. 3 Burr. 1482. 4 Burr. 2537.

take Defendant's Bond with one or more Sureties in double the Amount of the special Bail. s. 4.

Sheriffs may take such Securities of Defendant after the Return of the Writ. s. 5.

This Act shall only extend to Informations exhibited in the name of the Coroner or Attorney in K. B. for the time being. s. 6.

Pleas to be good notwithstanding any demise of the sovereign.  
3 Burr. 1812.

Upon the demise of any King or Queen all Pleas to Informations in the said Court shall be good, without calling on the Defendants to plead again to the same, unless upon desire of the Defendants so to do, and request it of the Court within Five Months after such Demise. s. 7.

Proceedings in cases where persons shall be charged with any Offence for which they may be prosecuted by indictment in the court of King's Bench.

The Statute 48 G. 3. c. 58. "for amending the Law with regard to the Course of Proceeding on Indictments and Informations in the Court of King's Bench in certain cases," recites that the Provisions contained in two Acts of the Twenty-sixth and Thirty-fifth Years of his present Majesty's Reign, for amending the Law with regard to the course of Proceeding on Indictments and Informations in the Court of King's Bench, in certain cases relating to the Public Revenue (1), have been found beneficial, and that it is expedient to extend the same to other cases; and enacts, that whenever any person shall be charged with any Offence for which he or she may be prosecuted by Indictment or Information in his Majesty's Court of King's Bench, not being Treason or Felony, and the same shall be made appear to any Judge of the same Court by Affidavit, or by Certificate of an Indictment or Information being filed against such person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such person to be apprehended and brought before him or some other Judge of the same Court, or before some one of his Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty with two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with condition to appear in the said Court at the time mentioned in such Warrant, and to answer to all and singular Indictments or Informations for any such Offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such

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(1) 26 G. 3. c. 77. s. 18. and 35 G. 3. c. 96. authorizing the holding to bail or commitment of persons against whom any Indictment, &c. has been found, for opposing, &c. Officers of the Revenue.

person to the Common Gaol of the County, City, or place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by order of the said Court in term time, or of one of the Judges of the said Court in vacation, and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such person shall have been acquitted of such Offence, or in case of Conviction, shall have received Judgement for the same, unless sooner ordered by the said Court to be discharged; and that where any person, either by virtue of such Warrant of Commitment as aforesaid, or by virtue of any Writ of Capias ad Respondendum issued out of the said Court, is now detained, or shall hereafter be committed to and detained in any Gaol for want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information to cause a Copy thereof to be delivered to such person, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such person is or shall be so detained, with a Notice thereon indorsed, that unless such person shall, within Eight Days from the time of such delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the name of such person; and in case he or she shall thereupon, for the said space of Eight Days after such delivery of a Copy of the Indictment or Information as aforesaid, neglect to cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon an Affidavit being made and filed in the said Court, of the delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such person, or to such Gaoler, Keeper, or Turnkey, as the case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information had appeared and pleaded Not Guilty according to the usual course of the said Court; and that if upon the Trial of such Indictment or Information any Defendant so committed and detained as afore-

said shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be one of the Judges of the said Court of King's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

## Public Officers.

Officers entrusted and employed in the revenue may be prosecuted for forfeitures, breaches of trust, and misdemeanors committed by them relative to their offices.

Whereas it is just and reasonable that persons employed in Offices and Places of Public Trust should at all times be accountable for any Misdemeanors therein, and the Public Justice of the Realm requireth a vigorous Prosecution of such Offenders, to the end therefore, that your Majesty's Subjects may not lie under any Doubts or Discouragements whereby such Prosecutions might be prevented or delayed; be it enacted, that any Action or Suit shall and may be commenced and prosecuted in any of her Majesty's Courts at Westminster, against any Officer or person intrusted or employed in the Revenue of her Majesty, her Heirs and Successors, or any part or branch thereof, or any other Office or Place of Public Trust, for any Forfeiture, Misdemeanor, or Breach of Trust, of, in, or relating to such Office or Place of Trust, or any Penalty imposed by Law to enforce the due execution thereof; and that no such Action, Suit, or any other Process, Proceeding, Judgment or Execution thereupon, although such Officer or Person shall be a Peer of this Realm or Lord of Parliament, or one of the Knights, Citizens or Burgesses of the House of Commons, or otherwise entitled to the Privilege of Parliament, shall be impeached, stayed or delayed by or under Colour or Pretence of any Privilege of Parliament. 2, 3, Ann. c. 18. s. 1.

Such as have privilege of parliament shall not be imprisoned.

Nothing in this Act shall extend to subject the person of such Officer, being a Peer of this Realm or Lord of Parliament, to be arrested or imprisoned, but that all Process shall issue against such Officer or Person being a Peer of this Realm or Lord of Parliament as should have issued against him out of the Time of Privilege, nor shall extend to subject the person of such Officer, being a Knight, Citizen or Burgess of the House of Commons, to be arrested or imprisoned during the time of Privilege of Parliament; and that against such Officer or other Person, being a Knight, Citizen or Burgess of the House of Commons intitled to Privilege, shall be issued Summons and Distress infinite, or ori-



ginal Bill, Summons, Attachment and Distress infinite, which the said respective Courts are hereby empowered to issue in such Case until the Party shall appear upon such Process, according to the Course of such respective Court. s. 2.

If any Mayor, Bailiff or other Magistrate, in that part of Great Britain called England, the Dominion of Wales, or the Town of Berwick upon Tweed, or the Isles of Jersey or Guernsey, shall knowingly or wilfully resort to, or be present at any Public Meeting for religious Worship other than of the Church of England as by Law established, in the Gown or other peculiar habit, or attended with the Ensign or Ensigns of or belonging to such his Office, every such Mayor, Bailiff, or other Magistrate, being thereof convicted by due course of Law, shall be disabled to hold such Office or Offices, Employment or Employments, and shall be adjudged incapable to bear any public Office or Employment whatsoever within that Part of Great Britain called England, the Dominion of Wales and Town of Berwick upon Tweed, or Isles of Jersey and Guernsey. 5 G. 1. c. 4. s. 2.

Mayors or other magistrates wilfully resorting to, &c. any public meeting for religious worship in their gowns, &c. or ensigns belonging to their office, rendered incapable to hold any office.

## Public Stores.

The Stat. 12 G. 3. c. 24. intituled "An Act for better preserving and securing his Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores," reciting that "whereas the safety and preservation of his Majesty's Ships of War, Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, Military, Naval, and Victualling Stores, and the Places where such Stores are kept or deposited, either within this Realm, or in any of the Islands, Countries, Forts, or Places thereunto belonging, is of great importance to the welfare and security of the Kingdom," enacts, that if any person or persons shall, either in this Realm or in any of the Islands, Countries, Forts, or Places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of his Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float or building, or begun to be built, in any of his Majesty's Dock Yards, or building or repairing by contract in any private Yards for the use of his Majesty, or any of his Majesty's Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the Buildings erected therein or belonging thereto; or any Timber or Materials there placed for

Persons maliciously setting on fire or destroying any king's ships, or any arsenal, &c. or stores, guilty of felony without clergy.

building, repairing, or fitting out of Ships or Vessels; or any of his Majesty's Military, Naval, or Victualling Stores, or other Ammunition of War, or any Place or Places where any such Military, Naval, or Victualling Stores or other Ammunition of War, is, are, or shall be kept, placed, or deposited; that then the person or persons guilty of any such Offence, being thereof convicted in due form of Law, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy.

Such offence committed out of the realm may be tried in any county in this Kingdom.

By s. 2. any person who shall commit any of the Offences before mentioned in any Place out of this Realm, may be indicted and tried for the same, either in any Shire or County within this Realm, in like manner and form as if such Offence had been committed within the said Shire or County, or in such Island, Country, or Place where such Offence shall have been actually committed, as his Majesty, his Heirs or Successors, may deem most expedient for bringing such Offender to Justice; any Law, Usage, or Custom notwithstanding.

Persons counterfeiting the hand of treasurer or other officer or commissioner of the navy to any Bill &c. for payment or disposal of any naval treasure, shall for want of bail be committed to the assises or sessions to answer such offence.

Every person or persons who shall counterfeit the Hands of the Treasurer, Comptroller, Surveyor, Clerk of the Acts, or of the Commissioners of the Navy, or of any of them, or the Hand or Hands of the Signing or Vouching Officers of his Majesty's Navy, Ships, or Yards, or the Hand or Hands of any one or more of them, to any Bill, Ticket, or other Papers, by virtue whereof his Majesty's Naval Treasure is or may be paid or disposed of, or shall knowingly produce any such counterfeit Ticket, Bill, or other Paper; every such person or persons so offending shall or may be lawfully committed to prison by the said Officers or Commissioners, or any one of them, until he shall find surety to appear at the next General Assises or Quarter Sessions of the Peace for the County, Town, or Place where such Offender shall be so committed, to Prison, to be there proceeded against according to Law. 1 G. 1. st. 2. c. 25. s. 6.

This Act was revived and made perpetual by Stat. 9 G. 1. c. 8. s. 3.

## **Quarantine.**

The Statute 45 G. 3. c. 10. for making further Provisions for the Performance of Quarantine, recites (s. 1.) the Statute 39, 40 G. 3. c. 80. and directs the Completion of a Lazaret and the Appointment of Officers at Chetney Hill in Kent, and (by s. 3.) imposes Duties on Vessels performing Quarantine, to defray the Expence of the same; by s. 9. repeals the Statute

39, 40 G. 3. c. 80. ; and by s. 10. it is enacted, that all Ships and Vessels, as well his Majesty's Ships of War as all others, coming from or having touched at any Place from whence His Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, shall have adjudged and declared it probable that the Plague, or any other infectious Disease or Distemper, highly dangerous to the Health of his Majesty's Subjects, may be brought; and all Ships, Vessels, and Boats receiving any Person, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, from or out of any Ships or Vessels so coming from or having touched at such infected Place as aforesaid, whether such Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, shall have come or been brought in such Ships or Vessels, or such Persons shall have gone, or Articles have been put on board the same, either before or after the Arrival of such Ships or Vessels at any Port or Place in Great Britain, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, and whether such Ships or Vessels were or were not bound to any Port or Place in Great Britain or the Islands aforesaid; and all Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, on board of any such Ships or Vessels so coming from or having touched at such infected Place as aforesaid, or on board of any such Receiving Ships, Vessels, or Boats as aforesaid, shall be and be considered to be liable to Quarantine within the Meaning of this Act, and of any Order or Orders which shall be made by his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council concerning Quarantine and the Prevention of Infection, from the Time of the Departure of such Ships or Vessels from such infected Place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles shall have been received on board respectively; and all such Ships, Vessels, and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares, and Merchandize, and other Articles as aforesaid, whether coming or brought in such Ships, Vessels, or Boats, from such infected Place as aforesaid, or going or being put on board the same, either before or after the Arrival of such Ships, Vessels, or Boats at

What ships shall  
be liable to  
quarantine.

any Port or Place in Great Britain, or the Islands aforesaid; and all Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, on board any such receiving Ship, Vessel, or Boat as aforesaid, shall, upon their Arrival at any such Port or Place, be obliged to perform Quarantine in such Place or Places, for such Time and in such Manner, as shall from time to time be directed by his Majesty, his Heirs or Successors, by his or their Order or Orders in Council, notified by Proclamation, or published in the London Gazette; and that until such Ships, Vessels, and Boats, Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, shall have respectively performed and shall be duly discharged from such Quarantine, no such Person, Goods, Wares, or Merchandize, or other Articles as aforesaid, or any of them, shall, either before or after the Arrival of such Ships, Vessels, or Boats at any Port or Place in Great Britain or the Islands aforesaid, come or be brought on Shore, or go and be put on board any other Ship, Vessel, or Boat, in order to come or be brought on Shore, in any such Port or Place, although such Ships or Vessels so coming from such infected Place as aforesaid may not be bound to any Port or Place in Great Britain, or the Islands aforesaid, unless in such Manner and in such Cases, and by such Licence as shall be directed or permitted by such Order or Orders made by his Majesty, his Heirs or Successors, in Council as aforesaid; and all such Ships, Vessels, and Boats, whether coming from such infected Place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares, and Merchandize, and other Articles as aforesaid, whether coming or brought in such Ships, Vessels, or Boats, or going or being put on board the same, either before or after the Arrival of such Ships, Vessels, or Boats at any Port or Place in Great Britain or the Islands aforesaid, and although such Ships, Vessels, or Boats shall not be bound to any Port or Place in Great Britain or the Islands aforesaid; and all Commanders, Masters, or other Persons having the Charge or Command of any such Ships, Vessels, or Boats, whether coming from any infected Place, or being otherwise liable to Quarantine, as aforesaid, shall be subject to all the Provisions, Rules, Regulations, and Restrictions contained in this Act, or in any Order or Orders which shall be made by his Majesty, his Heirs and Successors, in Council as aforesaid, concerning Quarantine and the Prevention of Infection, and to all the Pains, Penalties, For-

feitures, and Punishments contained in this Act, for any Breach or Disobedience thereof, or of any Order or Orders of his Majesty in Council made under the Authority thereof.

And whereas certain Sorts of Goods and Merchandize are more especially liable to retain Infection, and may be brought from Places infected into other Countries, and from thence imported into Great Britain, or the Islands aforesaid; be it enacted, that all such Goods and Merchandize as shall be particularly specified for that purpose in any Order or Orders made by his Majesty, his Heirs or Successors, in Council, concerning Quarantine and the Prevention of Infection as aforesaid, which shall be brought or imported into any Port or Place in Great Britain or the Islands aforesaid, from any Foreign Country or Place, in any Ship or Vessel whatever, and the Ships or Vessels in which the same shall be brought, and also all Ships and Vessels which shall arrive from any Port or Place whatever under any alarming or suspicious Circumstances as to Infection, shall be subject and liable to such Regulations and Restrictions as shall be made by such Order or Orders of his Majesty, his Heirs or Successors, in Council as aforesaid, respecting the same. 45 G. 3. c. 10. s. 11.

Goods specified in any order of council, and ships, shall be made subject to quarantine.

It shall and may be lawful for the Lords and others of his Majesty's Privy Council, or any Three or more of them, to make such Order as they shall see necessary and expedient upon any unforeseen Emergency, or in any particular Case or Cases, with respect to any Ship or Ships, Vessel or Vessels, arriving and having any infectious Disease or Distemper on board, or on board of which any infectious Disease or Distemper may have appeared in the Course of the Voyage, or arriving under any other alarming or suspicious Circumstances as to Infection, although such Ship or Ships, Vessel or Vessels, shall not have come from any Place or Places from which his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, may have adjudged and declared it probable that the Plague, or any such infectious Disease or Distemper, may be brought, and also with respect to the Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, on board the same; and in case of any infectious Disease or Distemper appearing or breaking out in Great Britain, or the Islands aforesaid, to make such Orders and give such Directions, in order to cut off all Communication between any Persons infected with any such Disease or Distemper and the rest of his Majesty's Subjects, as shall appear to the said Lords or others of his Majesty's Privy Council, or any Three or more of them, to be necessary and expedient for that Purpose.

The Privy Council may make such orders as they shall think necessary upon emergencies.

and likewise to make such Orders as they shall see fit for shortening the Time of Quarantine to be performed by particular Ships or Vessels, or particular Persons, Goods, Wares, Merchandize, or any other Articles, or for wholly releasing particular Ships or Vessels, or particular Persons, Goods, Wares, Merchandize, or other Articles, from Quarantine, absolutely or conditionally, and generally to mitigate the strict Performance of Quarantine in particular Cases, as special Circumstances shall appear, in their Judgment, to require; and all such Orders so made by the Lords or others of the Privy Council, or any Three or more of them as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, (as well with respect to the Commander, Master, or other Person having the Charge of any such Ship or Vessel, and all other Persons on board the same, as with respect to any other Persons having any Intercourse or Communication with them, and to the Penalties, Forfeitures, and Punishments to which they may respectively become liable), as any Order or Orders made by his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, concerning Quarantine, and the Prevention of Infection as aforesaid, and notified by Proclamation or published in the London Gazette. 45 G. 3. c. 10. s. 12.

For better ascertaining whether ships be actually infected, or the persons on board liable to orders touching quarantine.

And, to the end that it may be the better known whether any Ship or Vessel be actually infected with the Plague, or other infectious Disease or Distemper as aforesaid, or whether such Ship or Vessel, or the Mariners or Passengers coming, or the Cargo imported in the same, are liable to any Orders touching Quarantine; be it further enacted (1), that when any Country or Place shall be known to be, or suspected to be infected with the Plague, or other such infectious Disease or Distemper as aforesaid, or when any Order or Orders shall be made by his Majesty in Council concerning Quarantine, and the Prevention of Infection as aforesaid, then and in such Case, as often as any Ship or Vessel shall attempt to enter into any Port or Place in Great Britain, or of the Isles of Guernsey, Jersey, Alderney, Sark or Man, whether such Port shall have been appointed for the Performance of Quarantine or not, the Superintendant of Quarantine or his Assistant, if there shall be such Superintendant or Assistant at such Port or Place, or if not, the principal Officer of his Majesty's Customs at such Port or Place, or such Officer of the Customs as shall be authorized by the Commissioners of the Customs, or any Four or more of them, to act in that Behalf,

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(1) See the Statute 46 G. 3. c. 98. post, p. 746.



shall go off to such Ship or Vessel, and shall, at a convenient Distance from such Ship or Vessel demand of the Commander, Master, or other Person having Charge of such Ship or Vessel, and such Commander, Master, or other Person having Charge of such Ship or Vessel shall upon such Demand give a true Answer in Writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Superintendant or his Assistant, or other Officer of the Customs authorized as aforesaid, be required to all such Questions or Interrogatories as shall be put to him by virtue and in pursuance of such Regulations and Directions as his Majesty, by Order in Council, shall be pleased to prescribe; and in case such Commander, Master, or other Person having Charge of such Ship or Vessel shall, upon such Demand made as aforesaid, refuse to make a true Discovery in any of the Particulars concerning which he shall be interrogated in Manner aforesaid, or in case he shall not be required to answer such Questions or Interrogatories upon Oath, shall give a false Answer to any such Question or Interrogatory as aforesaid, such Commander, Master, or other Person having Charge of such Ship or Vessel, for every such Offence, shall forfeit and pay the Sum of Two hundred Pounds. s. 18.

In case it shall appear, upon such Examination or otherwise, that such Ship or Vessel is under such Circumstances as shall render it liable to perform Quarantine, and that the Port or Place where it so arrives, or at which it attempts to enter as aforesaid, is not the Port or Place where it ought so to perform Quarantine, in such case it shall and may be lawful to and for the Officers of any of his Majesty's Ships of War, or of any of his Majesty's Forts or Garrisons, and all other his Majesty's Officers, upon Notice thereof given to them or any of them respectively, and to and for any other Person or Persons whom they shall call to their Aid and Assistance, and such Officers and other Persons are hereby required, to oblige such Ship or Vessel to go and repair to such Place as hath been or shall be appointed for Performance of Quarantine, and to use all necessary Means for that Purpose, either by firing of Guns upon such Ship or Vessel, or by any other kind of necessary Force whatsoever; and in case any such Ship or Vessel shall come from or shall have touched at any Place infected by the Plague or such other infectious Disease or Distemper as aforesaid, or shall have any Person on board actually infected with the Plague, or such other infectious Disease or Distemper as aforesaid, and the Commander, Master, or other Person hav-

Ships subject to quarantine arriving at any port than that at which it ought to be performed may be forced to repair to the appointed place.

Masters of vessels that have touched at infected places, &c omitting to disclose the same or omitting to hoist the prescribed signal, shall suffer dea

ing Charge of such Ship or Vessel, knowing that the Place from whence he came, or at which he had touched as aforesaid, was infected with the Plague, or such other infectious Disease or Distemper, or knowing some Person on board to be actually infected with the Plague or such other infectious Disease or Distemper as aforesaid, shall refuse or omit to disclose the same upon such Examination as aforesaid, or shall wilfully omit to hoist the Signal herein-before directed, to denote that his Ship or Vessel is liable to the Performance of Quarantine, at the Times and on the Occasions herein directed with respect to the same, such Commander, Master, or other Person having Charge of such Ship or Vessel, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy. 45 G. 3. c. 10. s. 19.

The latter part of this Section appears to be virtually repealed by the first Section of the Statute 46 G. 3. c. 98, which enacts, that every Commander, Master, or other Person having the Charge of any Ship or Vessel, on board whereof the Plague, or other infectious Disease or Distemper, highly dangerous to the Health of his Majesty's Subjects, shall, actually be, shall be and is required at all Times, when such Ship or Vessel shall meet with any other Ship or Vessel at Sea, or shall be within four Leagues of the Coast of Great Britain, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a [certain specified] Signal, to denote that his Ship or Vessel has the Plague, or other infectious Disease or Distemper highly dangerous to the Health of his Majesty's Subjects, actually on board thereof; and such Commander, &c. shall keep such Signal hoisted during such Time as such Ship or Vessel shall continue within Sight of such other Ship or Vessel, or within Four Leagues of the said Coasts or Islands, and while so in sight or within such Distance, until such Ship or Vessel shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on failure whereof, such Commander, Master, or other Person having Charge of such Ship or Vessel, shall forfeit and pay for every such Offence, the Sum of £200.

**Penalty on Masters, &c., quitting vessels, or permitting persons to quit them, or not conveying ships to the appointed places, and on persons coming in such vessels or**

If any Commander, Master or other Person having Charge of any Ship or Vessel liable to perform Quarantine, and on board of which the Plague, or other such infectious Disease or Distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any Seaman or Passenger coming in such Ship or Vessel to quit such Ship or Vessel by going on Shore, or by going on board any other Ship, Boat, or Vessel,

before such Quarantine shall be fully performed, unless in such Cases and by such proper Licence as shall be directed and granted, and by virtue of such Order or Orders to be made concerning Quarantine, and the Prevention of Infection as aforesaid; or in case any Commander, Master, or other Person having Charge of such Ship or Vessel shall not, within a convenient Time after due Notice given for that Purpose, cause such Ship or Vessel, and the Lading thereof, to be conveyed into the Place or Places appointed for such Ship, Vessel, and Lading, to perform their Quarantine respectively, then and in every such Case every such Commander, Master, or other Person as aforesaid, for every such Offence shall forfeit and pay the Sum of Five hundred Pounds; and if any Person coming in any Ship or Vessel liable to perform Quarantine (or any Pilot or other Person going on board the same, either before or after the Arrival of such Ship or Vessel at any Port or Place in Great Britain or the Islands aforesaid) shall, either before or after such Arrival, quit such Ship or Vessel by going on Shore in any Port or Place in Great Britain or the Islands aforesaid, or by going on board any other Ship, Vessel, or Boat with Intent to go on Shore as aforesaid, before such Ship or Vessel, so liable to Quarantine as aforesaid, shall be regularly discharged from the performance thereof, it shall and may be lawful for all Persons whatsoever, by any kind of necessary Force, to compel such Pilot or other Person so quitting such Ship or Vessel so liable to Quarantine, to return on board the same; and every such Pilot or other Person so quitting such Ship or Vessel so liable to Quarantine, shall for every such Offence suffer Imprisonment for the Space of Six Months, and shall forfeit and pay the Sum of Two hundred Pounds. 45 G. 3. c. 10. s. 21.

going on board,  
for quitting them  
before dis-  
charged.

And whereas disobedience or refractory behaviour in persons under Quarantine, or liable to the performance of Quarantine, or in other persons who may have had any Intercourse or Communication with them, may be attended with very great Danger to his Majesty's Subjects; be it further enacted, that all persons liable to perform Quarantine, and all persons having had any Intercourse or Communication with them, whether in Ships or in a Lazaret, or elsewhere, shall be subject during the said Quarantine, or during the time they shall be liable to Quarantine, to such Orders as they shall receive from the Superintendant of Quarantine or his Assistant, or from the principal Officer of the Customs at any Port or Place where there is no such Superintendant or Assistant, or from any other Officer of the Customs authorized as aforesaid to act in that behalf; and

Persons liable to  
quarantine shall  
repair to lazarets,  
ships, &c. and  
send all goods  
there;

and refusing so to do, or escaping therefrom, shall be guilty of felony without benefit of clergy.

the said Officers are hereby empowered and required to enforce all necessary obedience to the said Orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required to assist accordingly; and such Officers shall and they are hereby empowered and required to compel all persons liable to perform Quarantine as aforesaid, and persons having had any Intercourse or Communication with them, to repair to such Lazaret, Ship, Vessel, or Place, and to cause all Goods, Wares, and Merchandize, and other Articles comprized within any such Orders to be made as last aforesaid, to be conveyed to such Lazaret, Ship, Vessel, or Place, duly appointed in that behalf, in such manner and according to such directions as shall be made by Order of his Majesty in Council as aforesaid, or of the Lords and others of the Privy Council, or of any three or more of them; and if any person or persons liable to perform Quarantine as aforesaid, or any person or persons having had any Intercourse or Communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officer as aforesaid, to the said Lazaret, Ship, Vessel, or Place, duly appointed in that behalf, or having been placed in the said Lazaret, Ship, Vessel, or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also the Watchmen and other persons appointed to see Quarantine performed, and each of them, and they are hereby respectively required, by such necessary Force as the Case shall require, to compel every such person, so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return to such Lazaret, Ship, Vessel, or Place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid, to the said Lazaret, Ship, Vessel, or Place, and also every person actually escaping as aforesaid, shall be adjudged guilty of Felony, and suffer Death as in Cases of Felony without Benefit of Clergy. 45 G. 3. c. 10. s. 23.

Persons quitting ships liable to perform quarantine, &c. may be seized.

It shall be lawful for any Constable, Headborough, Tythingman, or other Peace Officer, or any other person, to seize and apprehend any person that shall, contrary to the Provisions of this Act, have quitted or come on Shore from any Ship or Vessel liable to perform Quarantine, or who shall have escaped from or quitted any Ship or Vessel under Quarantine, or from any Lazaret, Ship, Vessel, or Place, appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace

or Magistrate, and it shall be lawful for any such Justice of the Peace or Magistrate to grant his Warrant for the apprehending and conveying of any such person to the Ship or Vessel from which he or she shall have come on Shore, or to any Ship or Vessel performing Quarantine, or Lazaret, from which he or she shall have escaped, or for the confining of any such person in any such Place of safe Custody (not being any Public Gaol), and under such Restrictions as to having any Communication with any other persons, as may, in the discretion of any Justice of the Peace or Magistrate (calling to his Aid, if he shall see fit, any medical person), appear to be proper, until such person can be safely and securely conveyed to some Place appointed for the Performance of Quarantine, or until Directions can be obtained from the Privy Council as to the disposal of any such person, and to make any further Order or grant any further Warrant that may be necessary in that behalf. 45 G. 3. c. 10. s. 24.

If any Officer of his Majesty's Customs, or any other Officer or Person whatsoever to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine or the prevention of Infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any Goods or Articles performing Quarantine, or be guilty of any other wilful breach or neglect of his duty in respect of the Ships, Persons, Goods or Articles performing Quarantine, every such Officer and Person so offending shall forfeit such Office or Employment as he may be possessed of, and shall become from thenceforth incapable to hold or enjoy the same, or to take a new grant thereof; and every such Officer and Person shall forfeit and pay the Sum of One hundred Pounds; and if any such Officer or Person shall desert from his duty when employed as aforesaid, or shall knowingly and wilfully permit any Person, Ship, Vessel, Goods, or Merchandize, to depart or be conveyed out of the said Lazaret, Ship, or other Place as aforesaid, unless by permission under an Order of his Majesty, by and with the Advice of his Privy Council, or under an Order of Three or more of the Lords or others of his Privy Council, or if any person hereby authorized and directed to give a certificate of a Ship having duly performed Quarantine or Airing, shall knowingly give a false certificate thereof, every such person so offending shall be deemed guilty of Felony, and suffer Death as in cases of Felony without Benefit of Clergy; and if any such Officer or Person shall knowingly and wilfully damage any Goods performing Quarantine under his direction;

Penalty on persons embezzling goods performing quarantine, neglecting their duty, forfeiture of office and incapacity.

Officers deserting their duty, or permitting persons, ships, &c. to depart without authority, or giving false certificates, declared guilty of felony without benefit of clergy.

Officers damaging goods shall forfeit treble value, &c.

he shall be liable to pay Treble Damages and full Costs of Suit to the Owner of the same. 45 G. 3. c. 10. s. 26.

Persons not infected entering the lazaret shall perform quarantine, and attempting to escape may be compelled to return, and such persons escaping shall suffer death.

If any person not infected with the Plague, or other infectious Disease or Distemper as aforesaid, nor liable to perform Quarantine, shall enter the said Lazaret or other place so appointed as aforesaid, whilst any person or persons infected with the Plague or being under Quarantine shall be therein, such person so entering the said Lazaret, or other place so appointed as aforesaid, shall perform Quarantine there; and if he or she shall return or attempt to return from thence, unless in such cases and by such licences as shall be directed and granted by virtue of such Order or Orders of his Majesty in Council, or of the Lords or others of his Majesty's Privy Council, or any Three or more of them, as aforesaid, it shall and may be lawful to and for the Quarantine Officers, Watchmen, and other persons appointed to guard or secure the said Lazaret or other place so appointed as aforesaid, by such necessary force as the case shall require, to compel such persons so returning or attempting to return, to repair into the said Lazaret or other place so appointed as aforesaid, there to continue and perform Quarantine; and in case such person shall actually escape out of the said Lazaret or other place where he or she ought to have performed Quarantine, before he or she shall have fully performed the same, he or she shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy. s. 27.

After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall not be liable to further detention.

After Quarantine shall have been duly performed by any Ship or Vessel, Person or Persons, obliged to perform Quarantine as aforesaid, according to this Act, and to such Order or Orders made as aforesaid, and upon proof to be made by the Oaths of the Master or other person having charge of such Ship or Vessel, and of two of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible Witnesses, before the Collector or principal Officer of the Customs at the Port where such Quarantine shall be performed, or at the Port nearest thereunto, or before any Justice of the Peace living near to the Port or Place, or when such Quarantine shall have been performed within any of the said Isles of Guernsey, Jersey, Alderney, Sark, or Man, before any two Jurats or Magistrates of any of the said Isles respectively, that such Ship or Vessel, and all and every such person and persons respectively, have duly performed Quarantine as aforesaid, and that the Ship or Vessel, and all and every person and persons are free from Infection; and after producing a certificate to that purpose,



signed by the chief Officer who superintended the Quarantine of the said Ship, or person acting for him; then and in the said respective cases such Collector or principal Officer of the Customs, or such Justice of the Peace, or such Jurats or Magistrates as aforesaid, respectively, are hereby required to give a certificate thereof; and thereupon such Ship or Vessel, and all and every such person or persons so having performed Quarantine, shall be liable to no further restraint or detention upon the same account for which such Ship or Vessel, Person or Persons, shall have performed Quarantine as aforesaid. s. 28.

If any person shall knowingly and wilfully forge or counterfeit, or procure to be forged or counterfeited, any Certificate directed and required to be granted by this Act, or shall publish as true any such forged or counterfeited Certificate, knowing the same to be forged or counterfeited, he or she shall be adjudged guilty of Felony, and shall suffer Death, as in cases of Felony, without Benefit of Clergy. s. 30.

Persons forging certificates, &c. shall be guilty of felony without clergy.

The fifth section of the Statute 46 G. 3. c. 98. repeals so much (s. 29.) of the Statute 45 G. 3. c. 10. as relates to the Certificates and Proof of opening and airing such Goods, &c. as are liable to Quarantine, and establishes new regulations with respect thereto, and the giving of Certificates in relation thereof; and then by s. 8. enacts, that if any person shall knowingly and wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of his Majesty, his Heirs or Successors, in Council, now in force or hereafter to be made, touching Quarantine and the prevention of Infection, or shall publish as true any such forged or counterfeited, interlined, erased, or altered Certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such Certificate, with intent to obtain the effect of a true Certificate to be given thereto, knowing the contents of such Certificate to be false, he or she shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy.

If any person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares, or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, from on board any Ship or Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay a Sum

Persons landing goods, &c. from vessels liable to perform quarantine, or receiving them, or secret-ing them from vessels performing quarantine, shall be guilty of felony without clergy.

not exceeding the Sum of Five hundred Pounds, nor less than the Sum of One hundred Pounds; and if any person or persons shall clandestinely convey, or shall secrete or conceal for the purpose of conveying, any Letters, Goods, Wares, or Merchandize, or other Articles as aforesaid, from any Ship or Vessel actually performing Quarantine, or from the Lazaret or other Place where such Goods, Wares, Merchandize, or other Articles as aforesaid, shall be performing Quarantine, every such person so offending as last aforesaid shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy. 45 G. 8. c. 10. s. 31.

Publication in the London Gazette of orders of council, &c. sufficient notice.

The publication in the London Gazette of any Order in Council, or of any Order by three or more of the Lords or others of his Majesty's Privy Council, made in pursuance of this Act, or his Majesty's Royal Proclamation, made in pursuance of the same, shall be deemed and taken to be sufficient Notice to all persons concerned of all matters therein respectively contained. s. 33.

Persons authorized to take examinations may administer oaths, and persons swearing falsely, or procuring others so to do, shall be deemed guilty of perjury.

In all cases wherein, by or by virtue and in pursuance of this Act, any Examinations or Answers shall be taken or made upon Oath, the person who shall be authorized and required to take such Examinations and Answers, shall and shall be deemed to have full power and authority to administer such Oaths; and if any person who shall be so interrogated or examined, shall wilfully swear falsely to any matter concerning which such person shall depose or make Oath on such Examination or in such Answers, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to have been guilty of and shall be liable to be prosecuted for wilful and corrupt Perjury, or Subornation of wilful and corrupt Perjury, as the case may be, and shall suffer the Pains, Penalties, and Punishments of the Law, in such case respectively made and provided. s. 37.

Offences, not being felony, and offences for which no specific penalty is provided, may be determined before two Justices, who may fine or imprison.

All Offences committed against any of the Provisions of this Act not being Felony, and every Offence or Disobedience to any Order of Council, made for the better carrying into execution this Act, for which no specific Penalty, Forfeiture, or Punishment is provided by this Act, shall and may be tried, heard, and determined before any Two Justices of the Peace of the County, Riding, Division, City, or Place where such Offence or Disobedience shall happen; and if any person shall be convicted of any such Offence or Disobedience, he or she shall be liable to such Forfeiture and Penalty, not exceeding the Sum of Fifty Pounds for any one Offence, or to such Imprisonment,

not exceeding Three Months for any one Offence, as shall, in the discretion of the Two Justices who shall have heard and determined the same, be judged proper; and such Forfeiture and Penalty shall be paid, one Moiety to the person suing for the same, and the other to his Majesty, to be applied as the Moieties of other Forfeitures and Penalties are herein-before directed to be applied. 45 G. 3. c. 10. s. 38.

Application of penalties.

Provided always, that no Attainder of Felony by virtue of this Act shall be extended to work any Corruption of Blood, or Forfeiture of any Goods, Chattels, Lands, Tenements, or Hereditaments. s. 39.

Attainder for felony shall not work corruption of blood, &c.

In any Prosecution, Suit, or other Proceeding against any person or persons whatsoever, for any Offence against this Act, or any Act which may hereafter be passed concerning Quarantine, or for any Breach or Disobedience of any Order or Orders which shall be made by his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, concerning Quarantine and the Prevention of Infection, and notified or published as aforesaid, or of any Order or Orders made by Three or more of the Lords or others of the Privy Council as aforesaid, the Answer or Answers of the Commander, Master, or other Person having Charge of any Ship or Vessel to any Questions or Interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as Evidence so far as the same relates or relate to the Place from which such Ship or Vessel came, or to the Place or Places at which such Ship or Vessel touched in the course of her Voyage; and where any Ship or Vessel shall have been directed to perform Quarantine by the Superintendant of Quarantine or his Assistant, or where there is no such Superintendant or Assistant, by the Principal Officer of the Customs at any Port or Place, or other Officer of the Customs authorized as aforesaid to act in that Behalf, the having been so directed to perform Quarantine may and shall be given and received as Evidence that such Ship or Vessel was liable to Quarantine, unless satisfactory proof shall be produced by the Defendant or Defendants in any such Prosecution, Suit, or other Proceeding, to shew that the Ship or Vessel did not come from or touch at any such Place or Places as is or are stated in the said Answer or Answers, or that such Ship or Vessel, although directed to perform Quarantine, was not liable to the Performance thereof; and

Answers of person having the charge of vessels shall be received as evidence, so far as relates to the places from which vessels came, or at which they touched; and the having been directed to perform quarantine shall be received as evidence that vessels were liable thereto, unless proof be made to the contrary; and the being performing quarantine shall be proof of vessels being liable to perform it.

where any Ship or Vessel shall in fact have been put under Quarantine at any Port or Place, by the Superintendant of Quarantine or his Assistant, or other Officer of the Customs authorized as aforesaid to act in that behalf, and shall actually be performing the same, such Ship or Vessel shall, in any Prosecution, Suit, or other Proceeding against any person or persons whatever, for any Offence against this Act, or any other Act which may hereafter be passed concerning Quarantine, or against any Order or Orders concerning Quarantine and the Prevention of Infection, which shall be made by his Majesty in Council, or by three or more of the Lords or others of his Privy Council as aforesaid, be deemed and taken to be liable to Quarantine, without proving in what manner or from what circumstances such Ship or Vessel became liable to the Performance thereof. 45 G. 3. c. 10. s. 40.

If affidavit be made of an indictment being filed, the Judge of the Court may cause the party to be apprehended in order to be bound for his appearance, and if he refuse to become bound he may be committed to gaol.

Whenever any person or persons shall be charged with any Offence against this Act, or any Act which may hereafter be passed concerning Quarantine, or with any Breach or Disobedience of any Order or Orders which shall be made by his Majesty, his Heirs or Successors, in Council as aforesaid, or of any Order or Orders made by the Lords or others of the Privy Council, or any three or more of them as aforesaid, and the same shall be made appear to any Judge of his Majesty's Court of King's Bench by Affidavit or by Certificate of an Indictment or Information being filed against such person or persons in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant in writing under his hand and seal, and thereby to cause such person or persons to be apprehended and brought before him or some other Judge of the said Court, or before some one of his Majesty's Justices of the Peace, in order to his, her, or their being bound to the King's Majesty with two sufficient Sureties in such Sum as in the said Warrant shall be expressed, with Condition to appear in the said Court at the time mentioned in such Warrant, and to answer to all and singular Indictments or Informations for any of the Offences aforesaid; and in case such person or persons shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice of the Peace respectively, to commit such person or persons to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he, she, or they shall have been so apprehended, until he, she or they shall have become bound as aforesaid, or shall be discharged by Order of the said Court of King's Bench in term

time, or by one of the Judges of the said Court in Vacation, and the Recognizance or Recognizances to be taken thereupon shall be returned and filed in the said Court, and shall continue in force until such person or persons shall have been acquitted of such Offence, or in case of Conviction shall have received Judgment for the same, unless sooner ordered by the said Court to be discharged; and that where any person or persons, by virtue of such Warrant and Commitment as aforesaid, is or are now detained, or shall hereafter be committed and detained in any Gaol for want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information, to cause a Copy thereof to be delivered to such person or persons, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such person or persons is, are, or shall be so detained, with a Notice thereon indorsed, that unless such person or persons shall, within Eight Days from the time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto, in the name or names of such person or persons respectively; and in case he, she, or they shall thereupon, for the said space of Eight Days after such Delivery of a Copy of the Indictment or Information as aforesaid, neglect to cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon an Affidavit being made and filed in the said Court, of a Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such person or persons, or to such Gaoler, Keeper, or Turnkey, as the case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information for such person or persons respectively; and such Proceedings shall be had thereupon, as if the Defendant or Defendants in such Indictment or Information had appeared and pleaded Not Guilty, according to the usual course of the said Court; and that if upon the Trial of such Indictment or Information, the Defendant or Defendants so committed and detained as aforesaid, shall be acquitted of all the Offences therein charged upon him, her, or them, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be one of the Judges of the said

Where persons are detained for want of bail, the prosecutor may cause a copy of the indictment to be delivered to the party or the gaoler, with notice that, unless an appearance, &c. be entered within a limited time, they will be entered, in which case certain proceedings shall be had.

Court of King's Bench, to order that such Defendant or Defendants shall be forthwith discharged out of Custody, as to his, her, or their Commitment as aforesaid; and such Defendant or Defendants shall be thereupon discharged accordingly. s. 41.

Where offences may be tried.

All Offences committed contrary to or in breach or violation of this or any other Act hereafter to be passed, or of any Order or Orders of his Majesty, his Heirs or Successors, now or hereafter to be made in his or their Privy Council, concerning Quarantine and the Prevention of Infection, and notified by Proclamation, or published in the London Gazette, or of any Order or Orders made by three or more of the Lords or others of the Privy Council as aforesaid, whether the said Offence shall be done and committed within the Body of any County or upon the High Seas or elsewhere, shall and may be tried, heard, and determined in any County within England or Scotland, or in the proper Courts of the Isles of Guernsey, Jersey, Alderney, Sark, or Man, respectively. s. 42.

## Rape.

(And see Title WOMEN.)

1.

The penalty for ravishing or taking away any maiden within age, or any wife or maiden of full age against her will, two years imprisonment and fine.

The King prohibiteth that none do ravish, nor take away by force any Maiden within Age (neither by her own consent nor without), nor any Wife or Maiden of full Age, nor any other Woman against her Will; and if any do, at his Suit that will sue within Forty Days, the King shall do common Right, and if none commence his Suit within Forty Days, the King shall sue; and such as be found culpable shall have Two Years Imprisonment, and after shall fine at the King's pleasure, and if they have not whereof, they shall be punished by longer Imprisonment, according as the Trespass requireth. 3 Ed. 1. c. 13.

§ 2.

Offenders ravishing any woman, whether she consent or not, ousted of clergy.

It is provided, that if a Man from henceforth do ravish a Woman married, Maid, or other, where she did not consent neither before nor after, he shall have Judgement of Life and of Member; and likewise where a Man ravisheth a Woman married, Lady, Damosel, or other, with force, although she consent after, he shall have such Judgement as before is said, if he be attainted at the King's Suit, and there the King shall have the Suit. He that carrieth a Nun from her house although she consent, shall be punished by Three Years Imprisonment, and shall make convenient Satisfaction to the house from whence she was taken, and nevertheless shall make fine at the King's Will. 13 Ed. 1. c. 34.

He that carries a woman away from her house, although she consent, shall be imprisoned, and make satisfaction.



For the repressing of the felonious Rapes or Ravishments of Women, Maids, Wives, and Damosels, be it enacted, that if any person or persons shall fortune at any time hereafter to commit or do any manner of felonious Rape or Ravishment, and to be found guilty by Verdict of any such felonious Rape, or shall fortune to be outlawed for such Offence, or upon his or their Arraignment shall confess the same, that in every such case every person and persons so being found guilty, outlawed, or confessing any of the said felonious Rapes, shall suffer Pains of Death, and forfeit as in cases of Felony hath been used by the Common Laws, without allowance of the Privilege or Benefit of Clergy. 18 Eliz. c. 7. s. 1.

Clergy taken away from the commission of rape on conviction, outlawry, or confession.

3 Inst. 214.  
Hob. 291.

For plain Declaration of Law, be it enacted, that if any person shall unlawfully and carnally know and abuse any Woman Child under the Age of Ten Years, every such unlawful and carnal Knowledge shall be Felony, and the Offender thereof being duly convicted shall suffer as a Felon without Benefit of Clergy. 18 Eliz. c. 7. s. 4.

§ 3.

Offenders ravishing any woman child under 10 years of age, ousted of clergy.

Item, against the Offenders and Ravishers of Ladies, and the Daughters of Noblemen, and other Women in every part of the said Realm, in these days offending more violently, and much more than they were wont, it is ordained and stablished, that wheresoever and whensoever such Ladies, Daughters, and other Women aforesaid be ravished, and after such Rape do consent to such Ravishers, that as well the Ravishers as they that be ravished be disabled to have or challenge all Inheritance, Dower, or Joint Feoffment after the Death of their Husbands and Ancestors, and the next of Blood to the Ravishers and Consenters shall have title immediately; and that the Husbands of such Women if they have Husbands, or if they have no Husbands in Life, that then the Fathers or other next of their Blood, have from henceforth the Suit to pursue, and may sue against the same Offenders and Ravishers in this behalf, and to have them thereof convict of Life and of Member, although the same Women after such Rape do consent to the Ravishers: And that the Defendant in this case shall not be received to wage battle, but that the truth of the matter be thereof tried by Inquisition of the Country, saving to the King and other Lords their Escheats of the said Ravishers, if they be thereof convict. 6 R. 2. c. 6.

§ 4.

Women consenting to ravishment, and the ravishers, shall forfeit their inheritance and dower.

3 Co. 61.  
Plow. 45.

Appeal given to the husband, &c.

Bro. Parl. 89.  
1 H. 6. s. 1.  
Defendant shall not wage his battle.

## Receiving Stolen Goods.

- § 1. *Buying or receiving stolen Goods in general.*
- § 2. *Buying or receiving Lead, Iron, Copper, Brass, Bell-metal, or other Metal or Solder, or any Pewter or Pewter Pot, stolen or unlawfully come by.*
- § 3. *Buying or receiving any Part of the Cargo of any Ship in the River Thames.*
- § 4. *Buying or receiving Jewels, Gold or Silver Plate, or Watches, stolen by Burglary or Highway Robbery.*

### § 1. *Buying or receiving stolen Goods in general.*

Receivers of stolen goods punishable as accessories after the fact.

Forasmuch as Thieves and Robbers are much encouraged to commit such Offences<sup>(1)</sup> because a great number of persons make it their trade to deal in the buying of stolen Goods; be it therefore enacted, that if any person or persons shall buy or receive any Goods or Chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, he or they shall be taken and deemed an Accessary or Accessaries to such Felony after the Fact, and shall incur the same Punishment as an Accessary or Accessaries to the Felony after the Felony committed. 3 W. & M. c. 9. s. 4.

This Act was continued by 4, 5 W. & M. c. 24. s. 13. and made perpetual by 6, 7 W. 3. c. 14. s. 1.

If the principal felon be convicted, stand mute, &c. the accessory may be proceeded against although the principal had his clergy allowed, and shall receive the same judgement as if the principal had been attainted.

Forasmuch as the counsellors and contrivers of Theft and other Felonies, and the Receivers of Goods that have been stolen, are the principal cause of the commission of such Felonies, and as the Law now is, no Accessary can be convicted or suffer any Punishment where the Principal is not attainted or hath the benefit of his Clergy; be it therefore enacted, that from and after 12 February 1702, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the number of Twenty persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessary either before or after the Fact, in the same manner as if such principal Felon had been attainted thereof, notwithstanding any such principal Felon shall be admitted to the benefit of his Clergy, pardoned, or otherwise delivered before Attainder; and every such Accessary shall suffer the same Punishment if he or she be convicted, or shall stand mute, or

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(1) See these Offences (as specified in the first section of the Act) under title LARCENY AND ROBBERY, I. § 6.

peremptorily challenge above the number of twenty persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted. 1 Ann. st. 2. c. 9. s. 1.

Forasmuch as Buyers and Receivers of stolen Goods do oftentimes convey away and conceal the Principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all manner of Punishment, which hath greatly encouraged the buying and receiving of such stolen Goods; for remedy whereof be it enacted, that from and after 12 February 1702, it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as Accessary if the Principal shall be afterwards convicted. s. 2.

Receivers of stolen goods may be prosecuted as for a misdemeanor, though the principal felon has not been convicted.

Forasmuch as the said Felons (1) are much encouraged to commit such Burglaries and Felonies because a great number of persons make it a trade to receive and buy of the said Felons the Goods so by them feloniously taken, and also do make it their business to harbour and conceal the said Offenders after the said Facts, knowing the said Felonies and Burglaries to have been by them committed; be it therefore enacted, that if any person or persons shall receive or buy any Goods or Chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour, or conceal any Burglars, Felons, or Thieves, knowing them to be so, shall be taken and received as Accessary or Accessaries to the said Felony or Felonies, and being of either of the said Offences legally convicted by the testimony of one or more credible Witnesses, shall suffer and incur the Pains of Death as a Felon convict. 5 Ann. c. 31. s. 5.

Buyers and receivers of stolen goods declared accessaries, and shall be ousted of clergy.

Provided always, that if any such principal Felon cannot be taken so as to be prosecuted and convicted for any such Offence, yet nevertheless it shall and may be lawful to prosecute and punish every such person and persons buying and receiving any Goods stolen by any such principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, although the principal Felon

If the principal cannot be taken, the accessory may be punished as for a misdemeanor.

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(1) Burglars and Housebreakers.

## Receiving Stolen Goods.

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This Act was continued by 4, 5 W. & M. c. 24. s. 13. and made perpetual by 6, 7 W. 3. c. 14. s. 1.

If the principal felon be convicted, stand mute, &c. the accessory may be proceeded against although the principal had his clergy allowed, and shall receive the same judgement as if the principal had been attainted.

Forasmuch as the counsellors and contrivers of Theft and other Felonies, and the Receivers of Goods that have been stolen, are the principal cause of the commission of such Felonies, and as the Law now is, no Accessary can be convicted or suffer any Punishment where the Principal is not attainted or hath the benefit of his Clergy; be it therefore enacted, that from and after 12 February 1702, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the number of Twenty persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessary either before or after the Fact, in the same manner as if such principal Felon had been attainted thereof, notwithstanding any such principal Felon shall be admitted to the benefit of his Clergy, pardoned, or otherwise delivered before Attainder; and every such Accessary shall suffer the same Punishment if he or she be convicted, or shall stand mute, or

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(1) See these Offences (as specified in the first section of the Act) under title LARCENY AND ROBBERY, I. § 6.

peremptorily challenge above the number of twenty persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted. 1 Ann. st. 2. c. 9. s. 1.

Forasmuch as Buyers and Receivers of stolen Goods do oftentimes convey away and conceal the Principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all manner of Punishment, which hath greatly encouraged the buying and receiving of such stolen Goods; for remedy whereof be it enacted, that from and after 12 February 1702, it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as Accessary if the Principal shall be afterwards convicted. s. 2.

Receivers of stolen goods may be prosecuted as for a misdemeanor, though the principal felon has not been convicted.

Forasmuch as the said Felons (1) are much encouraged to commit such Burglaries and Felonies because a great number of persons make it a trade to receive and buy of the said Felons the Goods so by them feloniously taken, and also do make it their business to harbour and conceal the said Offenders after the said Facts, knowing the said Felonies and Burglaries to have been by them committed; be it therefore enacted, that if any person or persons shall receive or buy any Goods or Chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour, or conceal any Burglars, Felons, or Thieves, knowing them to be so, shall be taken and received as Accessary or Accessaries to the said Felony or Felonies, and being of either of the said Offences legally convicted by the testimony of one or more credible Witnesses, shall suffer and incur the Pains of Death as a Felon convict. 5 Ann. c. 31. s. 5.

Buyers and receivers of stolen goods declared accessaries, and shall be ousted of clergy.

Provided always, that if any such principal Felon cannot be taken so as to be prosecuted and convicted for any such Offence, yet nevertheless it shall and may be lawful to prosecute and punish every such person and persons buying and receiving any Goods stolen by any such principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, although the principal Felon

If the principal cannot be taken, the accessory may be punished as for a misdemeanor.

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(1) Burglars and Housebreakers.

be not before convict of the said Felony, which shall exempt the Offender from being punished as Accessary if such principal Felon shall be afterwards taken and convicted. s. 6.

The Statute 4 G. 1. c. 11. (which in the first part of the first section directs the Transportation for Seven Years of Offenders convicted of Crimes within the Benefit of Clergy, with the exception of persons convicted for receiving or buying stolen Goods, knowing them to be stolen), enacts, that where any Offender shall hereafter be convicted of any Crimes whatsoever, for which they are by Law to be excluded the Benefit of Clergy, and his Majesty, his Heirs or Successors, shall be graciously pleased to extend Royal Mercy to any such Offenders upon the condition of Transportation to any part of America, and such intention of Mercy be signified by one of his Majesty's principal Secretaries of State, it shall and may be lawful to and for any Court, having proper Authority, to allow such Offenders the benefit of a Pardon under the Great Seal, and to order and direct the like Transfer and Conveyance to any person or persons (who will contract for the Performance of such Transportation), and to his and their Assigns, of any such before mentioned Offenders; as also of any person or persons convicted of receiving or buying stolen Goods, knowing them to be stolen, for the term of Fourteen Years, in case such condition of Transportation be general, or else for such other term or terms as shall be made part of such Condition, if any particular time be specified by his Majesty, his Heirs and Successors as aforesaid.

Receivers of stolen goods shall be transported for 14 years.

The Statute 22 G. 3. c. 58. intituled "An Act for the more easy Discovery and effectual Punishment of Buyers and Receivers of Stolen Goods," reciting that "the pernicious Practices of buying and receiving stolen Goods are become a great Evil, by reason of the Difficulty of discovering the Persons guilty of the same, and of the Insufficiency of the Laws now in being for the Punishment of such Offenders, in certain Cases; and enacts, that from and after 1st August 1782, in all Cases whatsoever where any Goods or Chattels (except Lead, Iron, Copper, Brass, Bell-metal, and Solder), shall have been feloniously taken or stolen, whether the Offence of the person or persons so taking or stealing the same shall amount to Grand Larceny, or some greater Offence, or to Petit Larceny only, (except where the person or persons actually committing the Felony shall have been already convicted of Grand Larceny, or of some greater Offence), every Person who shall buy or receive any such Goods

Persons buying or receiving stolen goods may be prosecuted as for a misdemeanor, although the principal has not been convicted, &c.



and Chattels, knowing the same to have been so taken or stolen, shall be held and deemed guilty of, and may be prosecuted for, a Misdemeanor, and shall be punished by Fine, Imprisonment, or Whipping, as the Court of Quarter Sessions, who are hereby empowered to try such Offender, or as any other Court before which he, she, or they shall be tried, shall think fit to inflict, although the principal Felon or Felons be not before convicted of the said Felony, and whether he, she, or they is or are amenable to Justice or not; any Law or Statute to the contrary notwithstanding: And in cases where the Felony actually committed shall amount to Grand Larceny or to some greater Offence, and where the Person or Persons actually committing such Felony shall not be before convicted, such Offender or Offenders shall be exempted from being punished as Accessary or Accessaries, if such principal Felon or Felons shall be afterwards convicted.

s. 1. See ante the Statutes of Anne.

It shall and may be lawful for any one Justice of the Peace, upon Complaint made before him upon Oath, that there is reason to suspect that stolen Goods are knowingly concealed in any Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places, by Warrant under his Hand and Seal, to cause every such Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places, to be searched in the Day Time; and the Person or Persons knowingly concealing the said stolen Goods, or any Part thereof, or in whose Custody the same, or any Part thereof shall be found, he, she, or they being privy thereto, shall be deemed and held guilty of a Misdemeanor, and shall and may be brought before any Justice of the Peace for the County, City, Town Corporate, Riding, Division, Liberty, or Place, and made amenable to answer the same, by like Warrant of any such Justice, and being thereof convicted by due course of Law, shall be punishable in the manner aforesaid. s. 2.

One Justice may grant warrants to search for stolen goods.

Punishment of Persons in whose custody they are found.

Every Constable, Headborough, or Tithingman, in every County, City, Town Corporate, Riding, Division, Liberty, or other Place, where there shall be Officers, and every Beadle within his Ward, Parish, or District, and every Watchman, during such Time only as he is on his Duty, shall and may apprehend, or cause to be apprehended, all and every Person and Persons who may reasonably be suspected of having, or carrying, or any ways conveying, at any Time after Sun-setting, and before Sun-rising, any Goods or Chattels suspected to be stolen, and the same, together with such Person or Persons, as soon as conveniently may be, to convey or carry before any Justice of the Peace for the County, City, Town Corporate, Riding, Di-

Constables, &c. may apprehend persons suspected of having any stolen goods, between sun-setting and sun-rising.

vision, Liberty, or Place aforesaid, to be dealt with according to Law; and such Person and Persons, so carrying or conveying such Goods or Chattels, knowing the same to have been stolen, and being thereof convicted by due Course of Law, shall be deemed and held to be guilty of a Misdemeanor, and, on Conviction as aforesaid, shall be imprisoned for any Time not exceeding Six Calendar Months, nor less than Three Calendar Months. 22 G. 3. c. 58. s. 3.

Persons offering stolen goods to be pawned or sold, shall be taken before a Justice.

Every Person, to whom any Goods or Chattels, which have been feloniously stolen or taken, shall be brought and offered to be sold, pawned, or delivered, shall and is hereby impowered and required (there being reasonable Cause to suspect that such Goods or Chattels were stolen) to apprehend, secure, and carry before a Justice of the Peace for the County, City, Town Corporate, Riding, Division, Liberty, or Place, where the same Goods and Chattels shall be so brought or offered to be sold, pawned, or delivered, (having it in his or her Power so to do), the Person and Persons bringing or offering the same. s. 4.

Certain persons charged with felony, discovering and convicting two receivers of stolen goods, entitled to a pardon.

If any person or persons, being out of custody, or in custody if under the age of fifteen years, upon any charge of Felony within Benefit of Clergy, shall have committed any Felony after 1 August 1782, and shall afterwards discover two or more persons who shall have bought or received any Goods or Chattels which shall have been feloniously stolen or taken from any other person or persons after the said 1 August 1782, knowing the same to be stolen, so as two or more of the persons discovered shall be convicted of such buying or receiving, he, she, or they so discovering shall have and be entitled to the gracious pardon of his Majesty, his Heirs and Successors, for all such Felonies by him or her committed at any time or times before such discovery made, which Pardon shall be likewise a bar to any Appeal brought for such Felony. s. 5.

This Act not to repeal former laws.

Offenders punished under this Act not to be otherwise punished.

Provided always, that nothing herein contained shall extend to repeal any former Law now in being for the Punishment of such Offenders; and provided also, that such Offender, after having been prosecuted and convicted under this Act, shall not, for the same Offence, be afterwards punished, or liable to be punished by any such former Law. s. 6.

Persons receiving cattle, goods, or effects stolen &c. in any other part of the United Kingdom, may be indicted, &c. in

The Statute 44 G. 3. c. 92. s. 8. enacts, that if any person or persons in any one of the parts of the United Kingdom shall hereafter receive or have any Cattle, Goods, or other Effects, stolen or otherwise feloniously taken in any other part of the United Kingdom, knowing the same to have been stolen or otherwise feloniously taken, every such person or persons shall

be liable to be indicted, tried, and punished for such Offence in that part of the United Kingdom where he, she, or they shall so receive or have the said Cattle, Goods, or other Effects, in the same manner to all intents and purposes as if the said Cattle, Goods, or other Effects, had been originally stolen or otherwise feloniously taken in that part of the United Kingdom in which such person shall so receive or have such Cattle, Goods, or other Effects respectively.

that part of the kingdom where the receiving takes place.

The above section is a re-enactment, *in terms*, of the fifth section of the Stat. 13 G. 3. c. 31., to which, however, no reference is made in the latter Statute.

§ 2. *Buying or receiving Lead, Iron, Copper, Brass, Bell-metal, or other Metal or Solder, or any Pewter or Pewter Pot, stolen or unlawfully come by.*

The Stat. 29 G. 2. c. 30. s. 1. recites that “whereas the pernicious practice of stealing Lead, Iron, Copper, Brass, Bell-metal, and Solder, fixed to or lying or being in or upon Houses, Outhouses, Mills, Warehouses, Workshops, and other Buildings, Areas, Vaults, Yards, Gardens, Orchards, or other Places, and also the stealing of such Materials from Ships, Barges, Lighters, Boats, and other Vessels and Craft, upon navigable Rivers, in Ports of entry or discharge, Creeks, and Docks belonging thereto, and also from off Wharfs, Keys, and other Places, is become a great and notorious evil, by reason of the difficulty in apprehending and convicting the Thieves, and the still greater difficulty of discovering and convicting the Buyers or Receivers thereof, which Buyers or Receivers are the principal cause of the commission of such Thefts; and in regard that the said Offences are committed in such close and clandestine manner that there can be no Witness or Witnesses to the same but such who is or are partakers of the Offence: And whereas if the Buyers and Receivers of Lead, Iron, Copper, Brass, Bell-metal, or Solder, knowing or having reasonable cause to suspect the same to be stolen or unlawfully come by, were made original Offenders, and punishable independent of the apprehension and conviction of the Thief; and if the apprehending, prosecuting, and convicting the Offenders in both kinds were rendered more easy and speedy, it might more effectually tend to the discovery and suppression of the said Offences;” and then “for remedy thereof,” enacts, that from and after the First of October 1756, every person who shall buy or receive any Lead, Iron, Copper, Brass, Bell-metal, or Solder, knowing the same

Persons knowingly buying or receiving stolen lead, iron, cop-

per, brass, bell-metal, or solder, shall be transported for 14 years.

to be unlawfully come by, or shall privately buy or receive any Stolen Lead, Iron, Copper, Brass, Bell-metal, or Solder, by suffering any Door, Window, or Shutter to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same, or any of them, at any time in any clandestine manner from any person or persons whatsoever, shall, being thereof convicted by due course of Law, although the principal Felon or Felons has not or have not been convicted of stealing the same, be transported for Fourteen Years to any of his Majesty's Colonies or Plantations in America, according to the Laws in force for the Transportation of Felons.

Felon convicting the receiver shall be pardoned.

If any person, being out of prison, shall after 1st October 1756, commit any Felony by stealing any Lead, Iron, Copper, Brass, Bell-metal, or Solder, and afterwards discover two or more persons who shall buy or receive any Stolen Lead, Iron, Copper, Brass, Bell-metal, or Solder, after the said 1st October 1756, knowing the same to be stolen, so as two or more of the persons discovered shall be convicted of such buying or receiving, he, she, or they so discovering shall have and be entitled to the gracious Pardon of his Majesty, his Heirs and Successors, for all such Felonies by him or her committed at any time or times before such discovery made; which Pardon shall be likewise a bar to any Appeal brought for such Felony. s. 8.

Felon convicting person to whom the stolen goods were offered for sale, &c. of a misdemeanor in not detaining him, shall be pardoned.

If any person shall be concerned in the stealing any Lead, Iron, Copper, Brass, Bell Metal, or Solder, and shall afterwards being out of Prison, discover any person to whom he, she, or they shall have after the said 1st October offered to sell, pawn, or deliver any stolen Lead, Iron, Copper, Brass, Bell Metal, or Solder, so as such person be convicted of the Misdemeanor of not apprehending, securing, and carrying him, her, or them before a Justice as aforesaid, [see s. 5. of the Act] that then the person making such discovery shall not be liable to be prosecuted for stealing the Lead, Iron, Copper, Brass, Bell Metal, or Solder, so offered as aforesaid. s. 9.

Not to repeal former laws.

Provided that nothing herein contained shall extend or be construed to extend to repeal any former Law now in being for the Punishment of such Offenders; and provided also, that such Offenders, after having been punished by this Act, shall not for the same Offence be afterwards punished, or be liable to be punished by any such former Law. s. 11.

No person to be twice punished.

This Statute also enables Magistrates summarily to punish persons who are found in the possession of Property, such as above specified, and not able satisfactorily to account for their possession of the same.

The Statute 21 G. 3. c. 69. (intituled An Act to explain and amend the Act 29 G. 2. c. 30.) reciting that by Statute 29 G. 2. c. 30. "divers Provisions were made for punishing the Receivers and Buyers of Lead, Iron, Copper, Brass, Bell Metal, and Solder, knowing the same to be stolen;" and that "the said Act has been found by experience to tend to good and useful purposes, and to prevent many Felonies before committed in respect to the several Articles therein mentioned; but the Metal called *Pewter* not being mentioned or included in the said Act, evil-disposed persons have taken advantage thereof, and the stealing of Pewter Pots and other Pewter, and the buying and receiving such Pewter Pots and other Pewter knowing the same to be stolen, is become a great and notorious evil," enacts (s. 3.), that from and after 1st August 1781, every person who shall buy or receive any Pewter Pot or other Vessel, or any Pewter in any form or shape whatever, knowing the same to be stolen or unlawfully come by, or shall privately buy or receive any stolen Pewter by suffering any Door, Window, or Shutter to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same at any time in any clandestine manner from any person or persons whatsoever, shall, being thereof convicted by due course of Law, although the principal Felon or Felons has not or have not been convicted of stealing the same, be transported in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, for any time not exceeding Seven Years, or be kept and detained in Prison, and therein kept to Hard Labour for any time not exceeding Three Years nor less than One Year; and within that time (if the Court shall think fitting) such Offender or Offenders shall be once or oftener, but not more than three times, publicly whipped.

Buyers and receivers of pewter pots and other pewter, may be transported for seven years,

or imprisoned and kept to hard labour, and whipped.

*§ 3. Buying or receiving any part of the Cargo of any Vessel in the River Thames.*

From and after 24th June 1762, every person who shall buy or receive any part of the Cargo or Loading of, or any Goods, Stores, or Things of or belonging to any Ship or Vessels in the said River [of Thames], knowing the same to be stolen or unlawfully come by, or shall privately buy or receive any such Goods, Stores, or Things, or any part of such Cargo or Loading, by suffering any Door, Window, or Shutter to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same, or any of them, at any time in any clandestine manner from any person or persons

Persons receiving any part of the cargo of any ship in the river Thames shall be transported for 14 years.

whatsoever, shall, being thereof convicted by due course of Law (although the principal Felon or Felons, Offender or Offenders, has or have not been convicted of stealing or unlawfully procuring the same, be transported for Fourteen Years to any of his Majesty's Colonies or Plantations in America, according to the Laws in force for the Transportation of Felons. 2 G. 3. c. 28. s. 12.

Persons against whom an indictment is found for certain offences named in 2 G. 3. c. 28. shall not be allowed to traverse the same.

The Statute 39, 40 G. 3. c. 87. s. 22. recites that "in and by the Act 2 G. 3. c. 28. [s. 13.] persons guilty of certain Offences are punishable by Transportation for Fourteen Years, but the said Offences not being by the said Act declared to be Felony, the Trial thereof may in all cases be put off by means of a Traverse to the next Sessions, after the finding of the Bill of Indictment for the same, and the Offender be in the mean time liberated on being admitted to Bail, whereby Justice has been in many instances eluded;" and "for remedy thereof" enacts, that from and after the passing of this Act, whenever any Indictment shall be found against any person or persons for the said Offences, or any of them, the person or persons so indicted shall plead to the same Indictment, without having time to traverse the same, as is usual in cases of Misdemeanors. The above Statute 39 and 40 G. 3. was continued by 47 G. 3. st. 1. c. 37. till 1814; and the Statute 54 G. 3. c. 187. reviving, continuing, and amending the Provisions of the said Acts, re-enacts (by s. 31.) the above Clause verbatim. This latter Act is to remain in force till the 1st November 1820, and from thence until the expiration of Six Weeks from the commencement of the then next Session of Parliament.

§ 4. *Buying or receiving Jewels, Gold or Silver Plate, or Watches, stolen by Burglary or Highway Robbery.*

Persons knowingly receiving jewels, &c. stolen by burglary or robbery, may be tried before the conviction of the principal, and be transported for 14 years.

Whereas the facility with which stolen Jewels and Gold and Silver Plate are disposed of, is one principal cause of the frequent Commission of Burglaries and Highway Robberies; and the present Laws against the receiving of stolen Goods are found insufficient to deter persons from that practice; be it therefore enacted, that every person who from and after 1st June 1770 shall buy or receive any stolen Jewel or Jewels, or any stolen Gold or Silver Plate, Watch or Watches, knowing the same to have been stolen, shall in all cases where such Jewel or Jewels, or Gold or Silver Plate (1), shall have been feloniously stolen, accompanied with a Burglary actually committed in the

(1) The words "or watches" are omitted in this part of the Statute.



stealing the same, or shall have been feloniously taken by a Robbery on the Highway, shall be triable as well before Conviction of the principal Felon in such Felony and Burglary or Robbery, whether he shall be in or out of Custody, as after his Conviction; and if any person so buying or receiving such Jewel or Jewels, or Gold or Silver Plate (1), shall be convicted thereof, he shall be adjudged guilty of Felony, and be transported to some of his Majesty's Plantations in America for the space of Fourteen Years, according to the Laws in force for Transportation of Felons. 10 G. 8. c. 48.

## **Recognizances.**

Whereas the great Fees that are often demanded and received by Clerks of Assize of Persons that appear as Witnesses against Felons, tend very much to the discouraging their Conviction, to the great Damage of his Majesty's good Subjects; to remedy the same for the future, be it enacted, that no Clerk of Assize, Clerk of the Peace, or other person whatsoever, shall demand, take, or receive any Fee or Reward of any Person whatsoever, that shall be bound by any Justice of the Peace to appear to give Evidence against any Traitor or Felon, for the Discharge of any Recognizance for such Appearance, upon the pain of forfeiting to the Person aggrieved, for every such Offence, the Sum of Five Pounds, with full Costs of Suit (2). 10, 11 W. 3. c. 23. s. 7.

No fee shall be taken for discharging the recognizances of witnesses bound over by Justices of Peace to prosecute felons.

## **Records.**

Item, at the Complaint of the Commonalty made to the King in Parliament, that great Disherison in times past was done of the People, and may be done, by the false entering of Pleas, rasing of Rolls, and changing of Verdicts: It is accorded and assented, that if any Judge or Clerk be of such Default (so that by the same Default there ensueth Disherison of any of the Parties,) sufficiently convict before the King and his Council, by the Manner and Form which to the King and his Council shall seem reasonable, and within Two Years after such Default made, if the Party grieved be of full age, and if he be within Age, then within Two Years after he shall come to his full Age, he shall be punished by Fine and Ransom at the King's Will, and satisfy the Party. 8 R. 2. c. 4.

Judges or clerks making false entries of pleas, rasing rolls, or changing verdicts, shall be punished by fine and ransom.

(1) The words "*or watches*" are here also omitted in the Statute.

(2) To be recovered by him that will sue for the same, by Action of Debt, Bill, Complaint, or Information in any Court of Record.

# Religion.

(And see Title OATHS.)

- I. *Apostacy and Heresy.*
- II. *Reviling the Sacrament of the Lord's Supper.*
- III. *Derogating from the Book of Common Prayer.*
- IV. *Not attending Church and Sacrament.*
- V.
  - i. *Maintaining others not attending Church.*
  - ii. *Impugning the Doctrine of the Holy Trinity.*
  - iii. *Touching Nonconforming Schoolmasters.*
- VI. *Offences relating to Popery.*
  - i. *Giving or receiving Foreign Popish Education, and Conversion to Popery.*
  - ii. *Keeping or bringing into the Kingdom Popish Books or Images.*
  - iii. *The Offence of saying or hearing Mass, &c.*
  - iv. *Extolling the Pope, or maintaining his Authority.*
  - v. *Putting in Ure Popish Bulls.*
  - vi. *Relieving Popish Ecclesiastics.*
  - vii. *Refusing to elect or consecrate the Person nominated by the King to a Bishoprick.*
  - viii. *Appointing Aliens to Church Preferment.*
  - ix. *Exercising the Jurisdiction of Suffragan, without the Appointment.*
  - x. *The Disabilities, Restraints and Forfeitures to which Popish Recusants are liable.*
- VII. *Dissenters and Papists conditionally relieved from certain Penalties and Disabilities.*

## I. *Apostacy and Heresy.*

The Statute 1 Eliz. c. 1. repealed all former Statutes relating to Heresy, thus leaving it as at common Law; and the Statute 29 Car. 2. c. 9. took away the Writ *de hæretico comburendo*.

The Statute 9, 10 W. 3. c. 32. enacts (s. 1.) that if any person or persons having been educated in, or at any time having made Profession of the Christian Religion within this Realm, shall by writing, printing, teaching, or advised speaking, deny any one of the persons in the Holy Trinity to be God (1), or

Persons denying the Trinity, &c. of the truth of the christian religion, on conviction disabled to hold any office.

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(1) Repealed as to the Trinity by the Statute 53 G. 3. c. 160. which see post, Division V. ii.

shall assert or maintain that there are more Gods than One, or shall deny the Christian Religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, and shall, upon Indictment or Information in any of his Majesty's Courts at Westminster, or at the Assises, be thereof lawfully convicted by two or more credible Witnesses, such person or persons for the first Offence shall be adjudged incapable and disabled in Law, to all intents and purposes whatsoever, to have or enjoy any Office or Employment, Ecclesiastical, Civil, or Military, or any part in them, or any profit or advantage appertaining to them or any of them; and if any person or persons so convicted as aforesaid, shall at the time of his or their Conviction enjoy or possess any Office, Place, or Employment, such Office, Place, or Employment shall be void, and is hereby declared void; and if such person or persons shall be a second time lawfully convicted as aforesaid of all or any of the aforesaid Crime or Crimes, that then he or they shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian of any Child, or Executor or Administrator of any person, or capable of any Legacy or Deed of Gift, or to bear any Office, Civil or Military, or Benefice Ecclesiastical, for ever within this Realm, and shall also suffer Imprisonment for Three Years without Bail or Mainprize from the time of such Conviction.

Penalty for a second offence.

No person shall be prosecuted by virtue of this Act for any Words spoken, unless the Information of such Words shall be given upon Oath before one or more Justice or Justices of the Peace, within Four Days after such Words spoken, and the Prosecution of such Offence be within Three Months after such Information. 9, 10 W. 3. c. 32. s. 2.

Limitation of prosecutions.

If any person or persons convicted of all or any of the aforesaid Crime or Crimes in manner aforesaid, he or they shall for the first Offence (upon his, her, or their acknowledgment and renunciation of such Offence or erroneous Opinions in the same Court where such person or persons was or were convicted as aforesaid, within the space of Four Months after his, her, or their Conviction) be discharged from all Penalties and Disabilities incurred by such Conviction. s. 3.

Offenders renouncing their erroneous opinions within four months indemnified.

## II. *Reviling the Sacrament of the Lord's Supper.*

The punishment  
of such as revile  
the Holy Sacra-  
ment.

Justices of Peace  
in Quarter Ses-  
sions may try  
such offenders.

Reciting that the Holy Sacrament had been of late marvellously abused by certain men, who of wickedness or else of ignorance and want of learning, for certain abuses theretofore committed of some in misusing thereof, had condemned in their hearts and speech the whole thing, and contemptuously depraved, despised, or reviled the same holy and blessed Sacrament, and not only disputed and reasoned unreverently and ungodly of that most high Mystery, but also in their Sermons, Preachings, Readings, Lectures, Communications, Arguments, Talks, Rhymes, Songs, Plays, or Jests, named or called it by such vile and unseemly Words as Christian Ears did abhor to hear rehearsed; for reformation whereof, it is enacted, that whatsoever person shall deprave, despise, or condemn the said most blessed Sacrament in contempt thereof, by any contemptuous Words, or by any Words of depraving, despising, or reviling, or what person shall advisedly in any otherwise condemn, despise, or revile the said blessed Sacrament, that then he shall suffer Imprisonment of his Body, and make Fine and Ransom at the King's will; and that the Justices of Peace or Three of them at the least, whereof One to be of the Quorum, in every Shire of this Realm, Wales, and all other the King's Dominions, shall have full Power, as well to take Information and Accusation by the Oaths and Depositions of Two able, honest and lawful persons at the least, and after such Accusation or Information so had, to enquire by the Oaths of Twelve Men in every of their Four Quarter Sessions yearly to be holden, of all such Accusations or Informations to be made of any of the Offences aforesaid, to be committed within the limits of their Commission; and that upon every such Accusation and Information, the Offender shall be enquired of and indicted before the said Justices, or Three of them at the least, of the said Contempts and Offences, by the Verdict of Twelve indifferent Men, if the matter of the same Accusation and Information shall seem to the said Jury good and true. 1 Ed. 6. c. 1. s. 1.

Examination of  
accusers.

The said Justices, or Three of them at least as is aforesaid, before whom any such Presentment, Information, and Accusation shall be made or taken, shall examine the Accusers, what other Witness were by and present at the time of the doing and committing of the Offence whereof the Information, Accusation, and Presentment shall be made, and how many others than the Accusers have knowledge thereof, and shall have

power by their discretions to bind by Recognizance as well the Accusers as all such other persons whom such Accusers shall declare to have knowledge of the Offences by them presented and informed, every of them in Five Pounds, to appear before the said Justices before whom such Offender shall be tried, at the Day of Trial. 1 Ed. 6. c. 1. s. 2.

Such Justices, or three of them at the least, shall have power to make Process against persons so indicted, by two Capias and an Exigent, and by Capias utlagatum, as well within the limits of their Commission as into all other Shires and Places of the Realm, Wales, and other the King's Dominions, as well within the Liberties as without, and the same Process to be good and effectual in the Law; and upon the appearance of the Offenders, shall have power to determine the Contempts and Offences aforesaid, according to the Laws of this Realm and effects of this Act; and such Justices, or three of them at the least, shall have power to let any such person so indicted, upon sufficient Sureties by their Discretions, to Bail for their appearance to be tried. s. 3.

What process shall be issued against such offenders.

12 Co. 103.

Offenders may be bailed.

Such Justices, or three of them at the least, at their Quarter Sessions, when any Offender shall be or stand indicted of any Offence aforesaid, shall direct and award one Writ, in the King's Name, to the Bishop of the Diocese where such Offence is supposed to be committed, willing and requiring such Bishop to be in his own person, or by his Chancellor, or other his sufficient Deputy learned, at the Quarter Sessions, when and where the said Offender shall be arraigned and tried; appointing to them in such Writ the Day and Place of such Arraignment, which Writ shall be of this form: *Rex, &c. Episcopo L. salutem. Præcipimus tibi quod tu Cancellarius tuus vel alius deputat. tuus sufficienter eruditus sitis cum Justic. nostris ad pacem in Com. nostro B. conservand. assignat. apud D. tali die ad Sessionem nostram, ad tunc et ibm. tenend. ad dand. consilium et advisament. eisdem Justiciariis nostris ad pacem super arranament. et deliberationem offendent. contra form. Statuti concernen. sacrosanct. Sacramentum Altaris. s. 4.*

A writ shall be sent to the bishop of the diocese, requiring his attendance or that of his deputy.

Form of such writ.

Indictment must be within Three Months after the Offence committed. s. 5.

Indictment within three months.

In all trial for any such Offenders before such Justices, the person being complained on and arraigned shall be admitted to purge or try his innocence by as many or more Witnesses in number, and of as good honesty and credence, as the Witnesses which deposed against him. s. 6.

Defendant may prove his innocence by witnesses.

III. *Derogating from the Book of Common Prayer.*

The penalty for not using the book of common prayer, and other rites and ceremonies of the Church of England ;

All Ministers in any Cathedral or Parish Church, or other Place, within England, Wales, and Marches of the same, or other the Queen's Dominions, shall be bounden to say and use the Mattens, Even Song, Celebration of the Lord's Supper, and Administration of each of the Sacraments, and all the Common and open Prayer, in such order and form as is mentioned in the same Book, so authorized by the Stat. 5 & 6 Ed. 6. with one alteration or addition of Lessons to be used every Sunday, and the form of the Litany as corrected, and two sentences added in the delivery of the Sacrament to the Communicants, and none other or otherwise. 1 Eliz. c. 2. s. 3.

or using any other.

The penalty for depraving such book.

And if any Parson, Vicar, or other Minister, that ought or should sing or say Common Prayer mentioned in the said Book, or minister the Sacraments, shall refuse to use the said Common Prayers or to minister the Sacraments in such Cathedral or Parish Church, or other Place as he should use to minister the same, in the order and form set forth in the said Book, or shall wilfully and obstinately, standing in the same, use any other Rite, Ceremony, Order, Form, or Manner of celebrating of the Lord's Supper, openly or privily, or Mattens, Even Song, Administration of the Sacraments, or other open Prayer than is set forth in such Book (open Prayer throughout this Act is meant that Prayer which is for others to come unto or hear, either in Common Churches or Private Chapels, or Oratories, commonly called the Service of the Church), or shall preach, declare, or speak any thing in the Derogation or depraving of the said Book, or any thing therein contained, and shall be thereof lawfully convicted, or by his own confession, or by notorious evidence of the fact, shall lose and forfeit to the King for his first Offence, the Profit of all his Spiritual Benefices or Promotions arising in one whole Year after his Conviction; and if such person shall eftsoons offend, and be thereof lawfully convict, he shall suffer imprisonment for one whole Year, and also therefore be deprived ipso facto of all his Spiritual Promotions. 1 Eliz. c. 2. s. 4.

And all Patrons or Donors of all such Promotions may present or collate to the same, as though the party so offending were dead. s. 5. And for a third Offence, the offender shall be deprived ipso facto of all his Spiritual Promotions, and also shall suffer imprisonment during his life. s. 6. And if such person offending shall not be beneficed, nor have any Spiritual Promotions, he shall for the first Offence be imprisoned one whole Year, and for a future Offence be imprisoned during his life. s. 7, 8.



If any person shall in any Interludes, Plays, Songs, Rhimes, or by other open words, declare or speak any thing in the Derogation, depraving, or despising of the same Book, or any thing therein contained, or shall by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain, any Parson, Vicar, or other Minister, in any Cathedral or Parish Church, Chapel, or other Place, to sing or say any Common or open Prayer, or to minister any Sacrament, otherwise or in any other manner or form than is mentioned in the said Book; or that by any such means shall unlawfully interrupt or let any Parson, Vicar, or other Minister, in any Cathedral or Parish Church, Chapel, or any other Place, to sing or say Common and open Prayer, or to minister any of the Sacraments, in such form as is mentioned in the said Book, that then every person, being convicted thereof, shall forfeit to the Queen for the first Offence an hundred Marks, and in default of payment within Six Weeks, be imprisoned Six Months; for the second Offence Four hundred Marks, or in default of Payment in Six Weeks, be imprisoned Twelve Months; and for the third Offence forfeit all his Goods and Chattels, and suffer imprisonment for life. 1 Eliz. c. 2. s. 9—13.

The penalty by Interludes, plays, songs, &c. to deprave the book of common prayer, or compel or induce any to use other prayer.

Justices of Oyer and Terminer, and of Assise, shall have power in their open Sessions to hear and determine such Offences, and to make process for that end. s. 17.

Justices of Oyer and Assise shall hear offences.

Any Archbishop and Bishop may at his pleasure join and associate himself to such Justices at their Sessions, within his Diocese, for the enquiry, hearing, and determining such Offences. s. 18.

Archbishops, &c. may associate with Justices.

Private Prayers may be said in the Latin or other Languages, and in the Chapels (being no Parish Churches) or other Place of Prayer, in the two Universities. 2, 3 Ed. 6. c. 1. s. 5, 6.

Private prayers in Latin, &c.

Indictments for Offences shall be at the next General Sessions before such Justices of Oyer and Terminer or of Assise, after the Offence committed. 2, 3 Ed. 6. c. 1. s. 9.

Indictment within three months.

Peers shall be tried by their Peers. 2, 3 Ed. 6. c. 1. s. 10.

Trial of Peers.

The Mayor of London and other Mayors, Bailiffs, and other head Officers of Cities, Boroughs, and Towns Corporate, within this Realm and Wales, to which the Justices of Assise do not commonly repair, shall have power to hear and determine Offences yearly, within Fifteen Days after the Feast of St. Michael. 1 Eliz. c. 2. s. 22.

Chief officers of Cities may hear offences there.

Offences against this Act shall be enquirable and punishable by the Ecclesiastical Jurisdiction. s. 23.

Ecclesiastical jurisdiction.

Persons so punished shall not, for the same Offence, be esta-  
soons convened before the Justices, and receiving Punishment

None shall be twice punished for the same offence.

from the Justices, shall not, for the same Offence, afterwards receive Punishment of the Ordinary. s. 24.

The book of common prayer shall be of effect. 1 Leon. 295.

The Book of Common Prayer was established by 2, 3 Ed. 6. c. 1. and 5, 6 Ed. 6. c. 1., which being repealed by 1 M. c. 2. was again revived by 1 Eliz. c. 2., which repeals the repealing Statute, and enacts, that the Book of Common Prayer, with the Order of Service and of the Administration of Sacraments, Rites, and Ceremonies, with the alterations and additions therein added by this Statute, shall stand and be in force. s. 2.

#### IV. *Not attending Church and Sacrament.*

Every person shall resort to some church or chapel on Sundays and holy days. Godbolt, 148. pl. 191.

2 Roll. 438, 455. March, 93.

Every person inhabiting within the Realm, or any other the Queen's Dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their Parish Church or Chapel accustomed, or upon reasonable let thereof, to some usual Place where Common Prayer and such Service of God shall be used, in such time of let, upon every Sunday and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the time of the Common Prayer, Preaching, or other Service of God there to be used and ministered, upon pain of punishment by the censures of the Church, and also upon pain to forfeit for every such Offence Twelve Pence; to be levied by the Churchwardens of the Parish (1) where the Offence is done, to the use of the Poor of the same Parish, of the Goods, Chattels, and Tenements of the Offender, by way of distress. 1 Eliz. c. 2. s. 14. 3 Jac. 1. c. 4. s. 27. Peers shall be tried by their Peers. 1 Eliz. c. 2. s. 21.

Justices of Oyer, &c. may determine offences.

Justices of Oyer and Terminer or of Assise may enquire, hear, and determine such Offences, and make Process for the same as they may do against persons indicted before them of Trespasses. 1 Eliz. c. 2. s. 17.

Godbolt, 148. pl. 191.

Persons shall be indicted at the next General Sessions holden before such Justices, next after the Offence committed. s. 20.

Ordinary may punish offenders.

The Ordinary may punish Offenders by the Censures of the Church, s. 16; which shall be a bar to a Prosecution before the Justices, the Offender producing a Testimonial thereof under the Ordinary's Seal. s. 24.

The penalty of not resorting to church for the space of a month.

Every person above the age of sixteen years, which shall not repair to some Church, Chapel, or usual Place of Common Prayer, but forbear the same, contrary to the Statute [1 Eliz. c. 1.], and being thereof lawfully convicted, shall forfeit for

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(1) One Justice of the Peace by 3 Jac. 1. c. 4. s. 27.

every month which he shall so forbear, £20 of lawful English money; and besides the said Forfeitures, every person so forbearing by the space of twelve months shall for his obstinacy, after Certificate thereof in writing made into K. B. by the Ordinary of the Diocese, a Justice of Assise and Gaol Delivery, or Justice of Peace of the County where such Offender shall dwell or be, be bound with two Sureties in £200 at least, to the good Behaviour, and so to continue bound until such person shall conform and come to the Church, according to the said Statute. 23 Eliz. c. 1. s. 5.

Hob. 127. 205.  
1 Leon. 241.  
2 Leon. 5.  
1 Anderson 138.  
11 Co. 56.  
1 Roll. 89. 92.  
Lane, 60. 91.  
Bridg. 120.  
2 Bulstr. 324.  
3 Bulstr. 87.

Offences against this Act [or certain parts of 1 Eliz. c. 1., 5 Eliz. c. 1., 13 Eliz. c. 2.] shall be inquired of before Justices of Peace, and other Justices named in the said Statutes, within a Year and a Day after the Offence committed, s. 8; and Justices of Oyer and Terminer, and Justices of Assise and Gaol Delivery shall hear and determine Offences under this Act, and Justices of Peace in Quarter Sessions may hear and determine all Offences against this Act, except Treason and Misprision of Treason. s. 9.

Every person guilty of any Offence against this Act, other than Treason and Misprision of Treason, which shall, before he be thereof indicted, or at his Arraignment or Trial, before Judgement, submit and conform himself before the Bishop of the Diocese where he is resident, or before the Justices where he shall be indicted, arraigned, or tried, (having not before made like submission at any his Trial, being indicted for his first like Offence), shall, upon his Recognition of such submissions in open Assises or Sessions of the County where such person shall be resident, be discharged of all the said Offences against this Act (except Treason and Misprision of Treason), and all Pains and Forfeitures for the same. s. 10.

Persons submitting and conforming before trial shall be discharged of all pains.

Co. Entr. 569.  
2 Roll. 108.  
Raym. 465.

Provided that every person, which usually on the Sunday shall have in his house the established Divine Service, and be thereat himself usually or most commonly present, and shall not obstinately refuse to come to Church, and there to do as is aforesaid, and shall also, Four Times in the Year at the least, be present at the Divine Service in the Church of the Parish where he resides, or some other open Church, or such Chapel of Ease, shall not incur any Penalty under this Act, for not repairing to Church. s. 12.

Service in a person's own house.

Forfeitures shall go One Third to the Queen to her own use, One Third to the Queen for relief of the Poor of the Parish

Application of Forfeitures.

Persons not paying shall be committed.

where the Offence shall be committed, and One Third to the Party suing for the same; persons convicted who shall fail to pay the Fines within Three Months, shall be committed to Prison until Payment, or conforming and going to Church. s. 11.

By 29 Eliz. c. 6. s. 7. the Lord Treasurer, Lord Chancellor, and Chief Baron, for the time being, may dispose of this Third Part for the Relief and Maintenance of the Poor, Houses of Correction, and impotent and maimed Soldiers.

Peers shall be tried by their Peers. 23 Eliz. c. 1. s. 14.

Fraudulent conveyances to avoid penalties void.

2 Leon. 132.

Moor, 523.

pl. 691.

Lane, 60. 91.

1 Roll. 7. 92,

93.

By 23 Eliz. c. 1. s. 13. and 29 Eliz. c. 6. all Feoffments, Gifts, Conveyances, &c. and Limitations of Uses of any Lands fraudulently made by persons not repairing to Church, with a view to defeat the purposes of those Acts, are declared void as against the Queen, so far as relates to the levying the Penalties, and shall be given to the Queen's use as after mentioned in s. 4. of 29 Eliz. c. 6.

Penalties for not going to church shall be paid into the Exchequer by the Defendant twice in the year.

Offenders in not repairing to Divine Service, hereafter convicted, shall, in such of the Terms of Easter or Michaelmas as shall be next after such Conviction, pay into the Exchequer after the Rate of £20 for every Month contained in the Indictment whereon such Conviction shall be; and shall also, for every Month after such Conviction, without any other Indictment or Conviction, pay into the Exchequer every Easter and Michaelmas Term, as much as shall then remain unpaid, after the Rate of £20 for every Month after such Conviction, 28 (vulgo 29) Eliz. c. 6. s. 4. 3 Jac. 1. c. 4. s. 8. except in such Cases where the King shall and may by force of this Act refuse the same, and take Two Parts of the Lands, Leases, &c. of the Offenders till conformity. 3 Jac. 1. c. 4. s. 8. And if Default shall be made in any Part of such Payment, the Queen shall, by Process out of the Exchequer, take, seize, and enjoy all the Goods, and Two Parts of all the Lands, Tenements, Hereditaments, Leases and Farms of such Offender, as of all other Lands, Tenements, and Hereditaments liable to such Seizure, or to the Penalties by this Act, leaving the Third Part only of such Lands, Tenements and Hereditaments, Leases and Farms, for the Maintenance and Relief of such Offender, his Wife, Children and Family. 28, 29 Eliz. c. 6. s. 4.

And in default all offender's goods and two thirds of his lands, &c. shall be seized.

By 3 Jac. 1. c. 4. s. 11. the King has an Option to waive the monthly Forfeiture, and to take Two-thirds of the Offender's Lands, Leases, &c. until the Party being indicted for not coming to Church contrary to former laws, shall conform himself and come to Church.

Offenders submitting and conforming, or dying, such Penalties or Seizures shall not ensue. 28 (vulgo 29) Eliz. c. 6. s. 6.

Offenders submitting.  
Savil, 130.

Not to extend to Seizures of Lands or Tenements in which Offenders have only a Life Estate after their death. s. 9.

The Indictment of such Offender mentioning not the coming of such Offender to the Church of the Parish where such Person at any time before such Indictment was or did keep House or Residence, nor to any other Church, Chapel, or usual Place of Common Prayer, shall be sufficient, and it shall not be needful to mention in such Indictment, that the Offender was inhabiting within the Realm of England, or other the Queen's Dominions; but if it shall happen any such Offender then not to be within this Realm, or other the Queen's Dominions, in such case the Party shall be relieved by Plea to be put in in that Behalf, and not otherwise. 28 (vulgo 29) Eliz. c. 6. s. 5. And upon the Indictment of Offenders a Proclamation shall be made at the same Assizes or Gaol Delivery in which the Indictment shall be taken, commanding that the Body of such Offender shall be rendered to the Sheriff, Bailiff, or other Keeper of the Gaol of the same County, before the next Assizes or General Gaol Delivery to be holden in the same County; and if at such next Assizes or Gaol Delivery such Offender so proclaimed shall not make Appearance of Record, then upon such Default recorded, the same shall be as sufficient a conviction in Law of the Offence whereof the Party so stands indicted, as if upon the same Indictment a Trial by Verdict thereupon had, had proceeded and been recorded. 28 or 29 Eliz. c. 6. s. 5. 3 Jac. 1. c. 4. s. 7.

What shall be necessary to aver in the indictment.  
Godbolt, 148. pl. 191.

Proclamation shall be made at the Assizes for offenders to surrender at the next assizes, and in default of their so doing, it shall amount to a conviction.  
Palmer, 39. 1 Lutw. 205. 208.

The Justices of Assise and Gaol Delivery at their Assises, and the said Justices of the Peace at any of their said Sessions, shall have power to hear and determine of all Recusants and Offences, as well for not receiving the Sacrament aforesaid as for not repairing to Church, according to former Laws, in such manner as the said Justices of Assise and Gaol Delivery do or may do by former Laws in case of Recusancy for not repairing to Church. 3 Jac. 1. c. 4. s. 7.

Who may hear and determine offences.

By Section 36 of the same Act it is directed, that all Offences against this Act shall be heard and determined before the Justices of the King's Bench, Justices of Assise and Gaol Delivery in their Assises and Gaol Deliveries; and that all Offences other than Treason shall be heard and determined before the Justices of the Peace in their General or Quarter Sessions for the Shire, Division, Limit, or Liberty where the Offence shall happen.

Conviction shall be certified into the Exchequer.

Every Conviction recorded for any the Offences before mentioned, shall, from the Justices before whom the Record of such Conviction shall be remaining, be certified into the Court of Exchequer before the end of the Term following such Conviction, in such convenient certainty as the Court of Exchequer may thereupon award Process for Seizure of the Lands and Goods of the Offender; and if default be made in any part of any payment aforesaid, then and so often the King may by Process out of such Court seize all the Goods, and two parts of the Lands, &c. liable to the Penalties aforesaid. 3 Jac. 1. c. 4. s. 9.

No indictment shall be reversed for want of Form.

No Indictment against any person for not repairing to Church or Chapel, or usual Place of Common Prayer, but absenting himself for One Month, contrary to the Laws in that behalf provided, or for not receiving the Sacrament, contrary to the present Law, nor any Proclamation, outlawry, or other proceeding thereupon, shall at any time hereafter be avoided, discharged, or reversed for any defect in form, or lack of form, or other defect whatever, (other than by direct traverse to the point of not coming to Church, or not receiving the said Sacrament, whereof such person shall be indicted), but the same Indictment shall stand in force, and be proceeded upon, any such default of form or other defect whatever notwithstanding. 3 Jac. 1. c. 4. s. 16.

But it may be reversed on the submission of the duty.

If any person so indicted shall submit and conform himself, and become obedient to the Laws of the Church of England, and repair to the Parish Church of his most abiding, and if there be no such, then to the Church next adjoining to his dwelling, and there hear Divine Service according to the true meaning of the Statute in that behalf made, and then publicly receive the said Sacrament according to Law, that then every such person so indicted shall be admitted and allowed to avoid, discharge, and reverse the said Indictment, and all Proceedings thereon, in such manner as if this Act had not been made. s. 17.

Disabilities to which recusants convict are liable.

No Recusant convict shall practice the Common Law of this Realm, as a Counsellor, Clerk, Attorney, or Solicitor, in the same, nor shall practice the Civil Law as Advocate or Proctor, nor practice Physic nor exercise the Act or Trade of an Apothecary, nor be Judge, Minister, Clerk, or Steward of or in any Court, or keep any Court, or be Register or Town Clerk, or other Officer or Minister in any Court, nor shall bear any Office or Charge as Captain, Lieutenant, Corporal, Serjeant, Ancient Bearer, or other Office, in Camp, Troop, Band or Company of Soldiers, nor shall be Captain, Master, Governor, or bear



any Office or Charge of or in any Ship, Castle, or Fortress of the King, but be utterly disabled for the same, and forfeit for every such Offence £100, half to the King and the other half to the party suing by Action of Debt, &c. 3 Jac. 1. c. 5. s. 8. Recusants convict shall also be disabled from being Executors or Administrators, and from being Guardian to any Child. s. 22.

*V. i. Maintaining others not attending Church.*

Whoever shall retain or keep in his Service, Fee or Livery, or shall willingly maintain, retain, relieve, keep, or harbour in his House, any Servant, Sojourner or Stranger, (except a Father or Mother wanting without fraud or covin other habitation or sufficient Maintenance; and also except a Ward, or Person committed to the Custody of another, by authority,) who shall not go to some Church or Chapel, or usual Place of Common Prayer, to hear Divine Service, but shall forbear the same for the Space of one Month, &c.); shall for every Month that he shall keep or relieve such Servant, &c. forfeit £10. 3 Jac. 1. c. 4. s. 32—34.

The penalty for maintaining, relieving, or harbouring persons not going to church.

*V. ii. Impugning the Doctrine of the Holy Trinity.*

The Stat. 53 G. 3. c. 160. to relieve Persons who impugn the Doctrine of the Trinity from certain Disabilities, reciting the Stats. 19 G. 3. c. 44, and 1 W. and M. st. 2. c. 18. enacts, that so much of the latter statute (s. 17.) as provides that that Act or any thing therein contained, should not extend or be construed to extend to give ease, benefit, or advantage to Persons denying the Trinity as therein mentioned, be and the same is hereby repealed.

Certain persons impugning the Trinity exempted from penalties.

By s. 2. it is further enacted, that the provisions of 9, 10 W. 3. c. 32. so far as the same relate to Persons denying as therein mentioned, respecting the Holy Trinity, be and the same are hereby repealed. Public Act. s. 4.

*V. iii. Touching Nonconforming Schoolmasters.*

No Person shall keep any School or be a Schoolmaster out of any of the Universities or Colleges of this Realm, except it be in some Public or Free Grammar School, or in some such Nobleman's or Gentleman's House not being Recusants, or where the same Schoolmaster shall be specially licensed thereunto by the Archbishop, Bishop, or Guardian of the Diocese, upon pain that as well such Schoolmaster as the Party retaining him shall

The penalty for being or keeping a schoolmaster not licenced. Carthew. 464. 1 Ventr. 41.

forfeit for every Day so offending 40 s. one half to the King and the other to the Party suing for the same by Action of Debt, &c. 1 Jac. 1. c. 4. s. 9.

The penalty for keeping a schoolmaster not repairing to church or allowed by the ordinary.

If any Person, Body Politic or Corporate, shall keep or maintain any Schoolmaster which shall not repair to Church as is aforesaid, or be allowed by the Bishop or Ordinary of the Diocese where such Schoolmaster shall be so kept, shall forfeit for every Month so keeping him Ten Pounds. 23 Eliz. c. 1. s. 6.

The punishment of such schoolmaster for such offence.

And such Schoolmaster presuming to teach contrary to this Act, and being thereof lawfully convicted, shall be disabled to be a Teacher of Youth, and shall suffer imprisonment, without Bail for One Year. s. 7. (1)

Papists keeping school shall be adjudged to perpetual imprisonment.

By the Stat. 11, 12 W. 3. c. 4. s. 3. if any Papist or Person making profession of the Popish Religion, shall keep School, or take upon themselves the Education or Government or Boarding of Youth, in any Place within this Realm, or the Dominions thereunto belonging, such Person or Persons being thereof lawfully convicted, shall on such conviction be adjudged to perpetual Imprisonment, in such Place or Places within this Kingdom as the King by the Advice of his Privy Council shall appoint. (2)

V. iv. *Public Officers frequenting Public Worship other than the Established Church, with any Ensigns of Office.*

Mayors, &c. resorting to any public worship other than the established church, disabled to hold any office.

If any Mayor, Bailiff, or other Magistrates in that Part of Great Britain called England, the Dominions of Wales, or the Town of Berwick-upon-Tweed, or the Isles of Jersey or Guernsey, shall knowingly or willingly resort to or be present at any public Meeting for religious Worship other than the Church of England as by Law established, in the Gown or other peculiar Habit, or attended with the Ensign or Ensigns of or belonging to such his Office, every such Mayor, Bailiff, or other Officer, being thereof convicted by due course of Law, shall be disabled to hold such Office or Offices, Employment or Employments, and shall be adjudged incapable to bear any Public Office or Employment whatsoever, within that Part of Great Britain called England, the Dominion of Wales, and Town of Berwick-upon-Tweed, or Isles of Jersey and Guernsey. 5 G. 1. c. 4. s. 2.

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(1) { But by s. 13. of 31 G. 3. c. 32. these restrictions are taken off  
(2) { teachers taking the oaths, &c. therein directed. See post, Division VII. of this title ; and see also s. 2. of 19 G. 3. c. 44.

VI. i. *Giving or receiving Foreign Popish Education ; and Conversion to Popery.*

If any Person under the King's Obedience shall pass or go, or send or cause to be sent any Child or other Person under their Government, into any Parts beyond the Sea out of the King's Obedience, to the intent to enter into or be resident in any College, Seminary, or House of Jesuits, Priests, or any other Popish Order, Profession, or Calling, or repair in or to any the same, to be instructed, persuaded, or strengthened in the Popish Religion, or in any sort to profess the same. Every Person so sending, &c. any Child, &c. beyond the Sea to any such intent, shall forfeit for every Offence £100. And the Person so passing or being sent to such Intent, shall, in respect of himself only, and not of his Heir, be disabled to inherit, purchase, take, or enjoy any Manors, Lands, Tenements, Annuities, Goods, Chattels, Debts, Legacies, or Sums of Monies within England, or any of the King's Dominions ; and all Estates and Interests made, &c. to the Use of such Persons shall be void. 1 Jac. 1. c. 4. s. 6.

None shall go or send another to any seminary, &c. to receive Popish education.

If the Children of any Subject within this Realm (the said Children not being Soldiers, Mariners, Merchants, or their Apprentices or Factors) shall be sent or go beyond Sea, to prevent their good Education in England, or for any other Cause, without complying with the Requisites mentioned, the Party sending such Child, &c. shall forfeit £100, and the Child incurs certain Disabilities. 3 Jac. 1. c. 5. s. 16.

Hob. 73.  
1 Roll. 188.

The Stat. 1 Jac. 1. c. 4. shall be enforced. 3 Car. 1. c. 2.

In case any Person under the King's Obedience shall pass or go, or convey or send, or cause to be sent or conveyed, any Child or other Person out of the King's Dominions, into any Parts beyond the Seas out of the King's Obedience, to the Intent and Purpose to enter into or be resident, or trained up in any Priory Abbey, Nunnery, Popish University, College or School, or House of Jesuits, Priests, or in any private Popish Family, and shall be there by any Jesuits, Seminary Priests, Frier, Monk, or other Popish Person instructed, persuaded, or strengthened in the Popish Religion in any Sort to profess the same, or shall convey or send, or cause to be conveyed or sent by the Hands or Means of any Person whatsoever, any Sum of Money or other Thing for the Maintenance of any Child, &c. gone or sent, and trained and instructed as aforesaid, or under the Colour of any Charity, Benevolence, or Alms, towards the Relief of any Priory, Abbey, Nunnery, College, School, or

The penalty on persons going or sending any child or person beyond seas to be trained up in popery.

Certain disabilities and loss of goods and lands during life.

Bac. v. 3.  
p. 788.

Persons returning and conforming shall be excused.

Who may hear and determine offences.

Persons educating their children in the Popish religion shall be disabled from holding any office,

and also the children till conformity.

It shall be treason to withdraw any subject from the established to the Romish religion.

any Religious House whatsoever; every Person so offending, and every person passing or being sent beyond the Seas, being thereof lawfully convicted upon Information, Presentment, or Indictment, shall be disabled to sue any Action, &c. in course of Law, or to prosecute any Suit in any Court of Equity, or to be Committee of any Ward, or Executor or Administrator, or capable of any Legacy or Deed of Gift, or to bear any Office within the Realm, and shall lose all his Goods and Chattels, and forfeit all his Lands, Tenements, Hereditaments, Rents, Annuities, Offices, and Estates of Freehold, during his natural Life. 3 Car. 2. c. 2. s. 1.

Children and persons returning and conforming to the Church, and receiving the Sacrament within Six Months, shall not incur the Penalties. s. 2. 4.

The Justices of K. B., of Assise or Gaol Delivery, or Oyer and Terminer of such Counties where the Offenders shall last dwell or abide, or whence they departed out of the Realm, or where they were taken, may enquire of, hear, and determine Offences. s. 3.

By Statute 25 Car. 2. c. 2. s. 8. if any person, not bred by their Parents from their infancy in the Popish Religion and professing themselves to be Popish Recusants, shall instruct or educate, or suffer to be instructed or educated, their Children in the Popish Religion, every such person on Conviction shall be disabled from bearing any Office or Place of Trust or Profit in Church or State, and such Children shall also incur the same disabilities until they conform and take the Oaths of Supremacy and Allegiance, and receive the Sacrament after the usage of the Church of England, and obtain a Certificate thereof under the Hands of Two or more Justices of the Peace, and (by s. 9.) shall make and subscribe the Declaration against Transubstantiation.

The Statute 23 Eliz. c. 1. recites the Statute 13 Eliz. c. 2., and by s. 2. "to declare the true meaning" of that Act, *declares* and enacts, that all persons whatsoever which have or shall have, or shall pretend to have Power, or shall by any ways or means put in practice, to absolve, persuade, or withdraw any of the Queen's Majesty's Subjects, or any within her Majesty's Realms and Dominions from their natural obedience to her Majesty, or to withdraw them for that intent from the religion now by her Highness Authority established within her Highness Dominions to the Romish Religion, or shall do any act to that intent or purpose, and every of them, shall be to all intents adjudged to be Traitors, and being thereof lawfully convicted, shall have Judgment, suffer and forfeit as in case of High Treason.

*VI. ii. Keeping or bringing into the Kingdom Popish Books or Images.*

All Books called Antiphoners, Missals, Grailes, Processionals, Manuals, Legends, Pies, Portuasses, Primers, in Latin or English, Couchers, Journals, Ordinals, or other Books or Writings whatever, heretofore used for the Service of the Church, other than such as shall be set forth by the King, are abolished, and forbidden to be used or kept in this Realm or elsewhere within the King's Dominions. 3, 4 Ed. 6. c. 10.

Popish books  
and images  
abolished.

By s. 2. all persons are forbidden to have such Books, or any Images theretofore used in Churches, in their Custody, and every person shall for every such Book willingly retained in his Custody in the King's Dominions, forfeit on Conviction for the first Offence Twenty Shillings, for the Second Offence Four Pounds, and for the Third Offence suffer Imprisonment at the King's will.

Justices of Assise in their Circuits and of the Peace in General Sessions, may hear and determine Offences (s. 4.); half the Forfeitures to the King, and half to whoever who will sue for the same. s. 3.

By 13 Eliz. c. 2. s. 7. if any person shall bring into this Realm or the Dominions of the same, any thing called Agnus Dei, or any Crosses, Pictures, Beads, or such like superstitious things from the Bishop or See of Rome, or from any person claiming authority from the same to consecrate such things; and if any person so bringing in such things shall deliver or cause or offer the same to be delivered to any Subject to be worn or used, as well the person doing as the person receiving the same, to the intent to use or wear the same, on Conviction and Attainder, shall incur a Premunire; any person to whom any such things are offered, may indemnify himself by apprehending the party offering the same, or within Three Days after the offer made, disclosing his Name and Place of Abode to a Justice of Peace, or delivering up the thing received within One Day, s. 8. If any Justice to whom the said Offences shall be declared, do not within Fourteen Days after signify the same to some Privy Counsellor, he shall incur a Premunire. s. 10.

The penalty for  
bringing into the  
realm or using  
Agnus Dei,  
crosses, &c.

No person shall bring from beyond the Seas, or shall print, sell, or buy any Popish Primers, Ladies Psalters, Manuals, Rosaries, Popish Catechisms, Missals, Breviaries, Portals, Legends, and Lives of Saints, containing superstitious matter, printed or written in any Language whatever, nor any other superstitious Books printed or written in the English Tongue,

Bringing from  
beyond sea  
Popish books.

upon pain of forfeiting Forty Shillings (1) for every such Book; One Third to the King, One Third to the Party suing, and One Third to the Poor of the Parish where such Book is found; and the said Books to be burned. 3 Jac. 1. c. 5. s. 25.

VI. iii. *The Offence of saying or hearing Mass, &c.*

The penalty for saying or hearing mass.

Every person which shall say or sing Mass, being thereof lawfully convicted, shall forfeit Two hundred Marks, and be committed to Prison in the next Gaol, there to remain for One Year, and from thenceforth until he have paid such Sum; and every person which shall willingly hear Mass, shall forfeit One hundred Marks and suffer Imprisonment for a Year. 23 Eliz. c. 1. s. 4.

Reward to persons discovering the saying mass.  
1 Hawk. P. C. c. 12.  
Burn. v. 2. 3c9.  
2 Roll. 437.

Any person discovering to a Justice of Peace the saying of a Mass, and any of the persons who were present at it, within Three Days afterwards, by reason whereof any Offender is convicted or attainted, shall be indemnified, and have a Third of the Forfeiture, or Fifty Pounds if the Forfeiture exceed One hundred and fifty Pounds. 3 Jac. 1. c. 5. s. 1.

Popish bishops, priests, or jesuits convicted of exercising any of their functions (except entered at Secretary of State's office, &c.), shall suffer perpetual imprisonment.

By Statute 11, 12 W. 3. c. 4. s. 3. every Popish Bishop, Priest, or Jesuit, prosecuted to Conviction for exercising any part of his Function (except (s. 5.) he be a Foreigner entered in the Secretary of State's Office, and officiate only in the House of a Foreign Minister), shall be adjudged to perpetual Imprisonment in such Place as the King in Council shall appoint.

But this severity is now repealed by the Statute 18 G. 3. c. 60. s. 1., and also generally by Statute 31 G. 3. c. 32. s. 13. in respect to persons of this Persuasion taking the Oaths and subscribing the Declarations therein respectively contained.

VI. iv. *Extolling the Pope or maintaining his Authority.*

The penalty of maintaining the authority of the Bishop of Rome.

If any person shall by writing, printing, preaching, &c. or by any deed or act, advisedly or wittingly hold or stand with, to extol, maintain, or defend the Authority or Power of the Bishop of Rome or his See, or by any Speech, &c. attribute any Jurisdiction to the said Bishop or See within this Realm, such persons, their Aiders, &c. being lawfully convicted or attainted, shall incur the Penalties of Premunire, for a first Offence; of High Treason for the Second, but without Corruption of Blood, loss of Dower, &c. 5 Eliz. c. 1. s. 2. 10, 11, 12, 13.

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(1) To be recovered by Action of Debt, &c. in any Court of Record.



Justices of Assise in their Circuits, Justices of K. B., and of the Peace in Sessions, shall hear and determine Offences. Who may determine such offences.  
 5 Eliz. c. 1. s. 3, 4.

Offenders against this branch of the Statute shall only be convicted upon such Evidence as the King shall think good and sufficient. s. 23.

*VI. v. Putting in Ure Popish Bulls.*

If any person shall use, or put in ure in this Realm or the Queen's Dominions, any Bull, Writing, or Instrument of Absolution or Reconciliation, obtained from the Bishops or See of Rome, or any person claiming Authority therefrom, or shall take upon him, by colour of any such Bull, &c. to absolve or reconcile any person, or to grant or promise to any person within this Realm, or other the Queen's Dominions, any such Absolution or Reconciliation, by any Speech, Preaching, Writing, Teaching, or any other open Deed, or shall willingly receive any such Absolution or Reconciliation, or shall obtain from the Bishop or See of Rome any Bull or Writing whatsoever containing any thing, matter, or cause whatsoever, or publish, or any ways put the same in ure, he, his Procurers, Abettors, and Counsellors to the fact, shall be guilty of High Treason. Persons putting Popish bulls in ure declared guilty of high treason.  
 13 Eliz. c. 2. s. 2, 3.

By s. 4. Accessories after the Offence incur a Præmunire; and by s. 5, 6. such as do not within Six Weeks disclose an offer of such Bulls, &c. to some Privy Counsellor, &c. are guilty of Misprision of Treason.

*VI. vi. Relieving Popish Ecclesiastics.*

By Statute 27 Eliz. c. 2. s. 3. if any Ecclesiastic born in the Queen's Dominions, and made, ordained, or professed by Popish authority, shall come into, be, or remain in the Queen's Dominions, and not submit to some Bishop or Justice of the Peace within Three Days, and take the Oaths, &c. he shall be guilty of High Treason; and by s. 4, every person who shall wittingly and willingly receive, relieve, comfort, aid, or maintain any such Jesuit, Seminary Priest, or other Priest, Deacon, or Religious or Ecclesiastical Person, being at liberty or out of hold, knowing him to be such, shall for every such Offence be adjudged a Felon without Benefit of Clergy, and suffer Death, lose and forfeit, as in case of one attainted of Felony. Persons relieving, &c. Popish priests guilty of felony without clergy.

This Statute appears to be provisionally repealed by s. 4. of 31 G. 3. c. 32. as to such as bring themselves within that Act.

*VI. vii. Refusing to elect or consecrate the Person nominated by the King to a Bishoprick.*

By Statute 25 H. 8. c. 20. s. 7. if any Dean and Chapter refuse to elect the Person named in the King's Letter for a Bishoprick, and to signify such Election to the King within 20 Days after the Licence to elect shall come to their hands, or if any Archbishop or Bishop after such Election or Nomination by the King in default thereof signified unto him by the King, shall refuse within 20 Days to confirm and consecrate the Person so signified to him, he shall incur a Præmunire.

*VI. viii. Appointing Aliens to Church Preferment.*

The Statute 7 Ric. 2. c. 12. reciting the Statute 3 Ric. 2. c. 3. whereby no person shall take or receive Procuracy, Letter of Attorney, nor any other Administration, by Indenture, or in any other manner, of any person, concerning any Benefice of Holy Church, within the Realm, without the King's Licence, under the Pains therein mentioned, confirms the same; and enacts, that if any Alien shall purchase any Benefice of Holy Church, Dignity, or other thing, and take possession of the same, whether for his own or another's use, without such Licence, he shall be comprised in such Statute, and also shall incur the Pains and Penalties of the Statute 25 Ed. 3. st. 5. c. 22.

*VI. ix. Exercising the Jurisdiction of Suffragan without the Appointment.*

By Statute 26 H. 8. c. 14. no Suffragan shall use any Jurisdiction, Ordinary or Episcopal Power, otherwise nor for longer time than shall be limited by the Commission granted by the Archbishop or Bishop of the Diocese under the authority of that Act, under the Penalty of a Præmunire.

*VI. x. The Disabilities, Restraints, and Forfeitures, to which Popish Recusants are liable.*

Disabilities, restraints, and forfeitures to which Popish recusants are liable.

Popish Recusants are by various Statutes put under certain Disabilities, viz. by 3 Jac. 1. c. 5. s. 11, 12, that of bringing Actions like persons excommunicated; that of presenting to a Church, by 1 W. & M. c. 26. s. 4. and 12 Ann. c. 2.; that of bearing any Public Office or Charge, by 3 Jac. 1. c. 5. s. 9; and by s. 10. of the same Statute, that of claiming any part of a

Husband's Personal Estate, and by s. 13. of claiming any Estate by curtesy, or dower, after a marriage against Law. By Statutes 35 Eliz. c. 2. and 3 Jac. 1. c. 5. s. 67. they are restrained from going above five miles from home unless by licence, or by virtue of process; by 3 Jac. 1. c. 5. s. 2. and 30 Car. 2. st. 2. s. 5, 6. from going to Court; by 3 Jac. 1. c. 5. s. 27, 28, 29. and 1 W. & M. c. 15. from keeping Arms; by 3 Jac. 1. c. 5. s. 4, 5. and 1 W. & M. c. 9. from going to within ten miles of London. They are also liable to these Forfeitures, viz. by Stat. 1 Jac. 1. c. 5. s. 10. that of two parts of a jointure or dower; by 3 Jac. 1. c. 4. s. 2, 3. that of £20 for not receiving the Sacrament yearly, after Conformity; by 3 Jac. 1. c. 5. s. 13. £100, for an unlawful Marriage; and by s. 14. of the same Statute, £100 also for omission of a lawful Baptism; and by s. 15. of £20 for an unlawful Burial; and by s. 26. their Houses may be searched for Relicks; and by s. 28. being married women, they are liable to be committed after being convicted, &c.

VII. *Dissenters and Papists conditionally relieved from certain Penalties and Disabilities.*

By the Stat. 1 W. & M. c. 18. s. 2. all persons dissenting from the established Church (except Papists and those who shall in preaching or writing deny the doctrine of the Trinity (1), are exempted from all penal Laws relating to Religion (except the Statute 25 Car. 2. c. 2. by which all Officers of Trust are bound to receive the Sacrament according to the usage of the Church of England, and also to take the Oaths of Allegiance and Supremacy, and the Test, (or being Quakers, make by 8 G. 1. c. 6. a similar Affirmation), and also except the Stat. 30 Car. 2. st. 2. c. 1. (amended and in part repealed by 2 G. 2. c. 31. by which the Members of both Houses of Parliament are bound to make a Declaration against Transubstantiation and the Invocation of Saints, and the Sacrifice of the Mass): provided such Dissenters take the Oaths of Supremacy, and make the above mentioned Declaration, and come to some Congregation for Religious Worship in some registered Place, the doors whereof shall not be locked, barred, or bolted.

Dissenters exempted from certain regulations and penalties.

The Statute 31 G. 3. c. 32. intituled "An Act to relieve, upon conditions and under restrictions, the persons therein described from certain Penalties and Disabilities to which Papists,

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(1) See now the Statute 53 G. 3. c. 160. ante, Division V. ii. of this Title.

or persons professing the Popish Religion, are by Law subject," recites that by divers Laws now in force, divers Penalties and Disabilities have been imposed on Papists or Persons professing the Popish Religion, or holding Communion with the See of Rome, and their Children, and certain Principles have been attributed to them which are dangerous to Society and Civil Liberty, and which they are willing to disclaim; and that it is expedient that such persons as shall take the Oath of Allegiance, Abjuration, and Declaration herein-after mentioned, shall be relieved from some of the Penalties and Disabilities aforesaid:

Roman Catholics may make the following declaration and oath, which are to remain in the court of record where made.

and then enacts, that from and after the Twenty-fourth Day of June 1791, it shall be lawful for persons professing the Roman Catholic Religion personally to appear in any of his Majesty's Courts of Chancery, King's Bench, Common Pleas, or Exchequer, at Westminster, or in any Court of General Quarter Sessions of and for the County, City, or Place where such person shall reside, and there in open Court, between the Hours of Nine in the Morning and Two in the Afternoon, take, make, and subscribe the following Declaration and Oath; videlicet,

Declaration.

"I, A. B. do hereby declare, that I do profess the Roman Catholic Religion."

Oath.

"I, A. B. do sincerely promise and swear, that I will be faithful and bear true Allegiance to his Majesty King George the Third, and him will defend to the utmost of my power against all Conspiracies and Attempts whatever that shall be made against his Person, Crown, or Dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons and Traiterous Conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the Succession of the Crown; which Succession, by an Act, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the Heirs of her Body, being Protestants; hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of these Realms: and I do swear, that I do reject and detest, as an unchristian and impious Position, that it is lawful to murder or destroy any Person or Persons whatsoever, for or under Pretence of their being Hereticks or Infidels; and also that unchristian and impious Principle, that Faith is not to be kept with Hereticks or Infidels: and I fur-

ther declare, that it is not an Article of my Faith, and that I do renounce, reject, and abjure the Opinion, that Princes excommunicated by the Pope and Council, or any Authority of the See of Rome, or by any Authority whatsoever, may be deposed or murdered by their Subjects, or any Person whatsoever : and I do promise that I will not hold, maintain, or abet any such Opinion, or any other Opinions contrary to what is expressed in this Declaration : and I do declare, that I do not believe, that the Pope of Rome, or any other Foreign Prince, Prelate, State, or Potentate, hath, or ought to have, any Temporal or Civil Jurisdiction, Power, Superiority, or Pre eminence, directly or indirectly, within this Realm : and I do solemnly, in the Presence of God, profess, testify and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words of this Oath, without any Evasion, Equivocation, or mental Reservation whatever ; and without any Dispensation already granted by the Pope, or any Authority of the See of Rome, or any Person whatever ; and without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Authority whatsoever shall dispense with or annul the same, or declare that it was null or void. So help me God."

Which said Declaration and Oath shall be subscribed by the Person taking and making the same with the Name at Length, if such Person can write, or with his Mark, the name being written by the Officer, where such Person cannot write, such Person or such Officer, as the Case may be, adding the Title, Addition and Place of Abode of such Person, and shall remain in such Court of Record : and the proper Officer of such Court respectively, with whom the Custody of such Record shall remain, shall make, subscribe, and deliver a Certificate of such Declaration and Oath having been duly made, taken, and subscribed, to the Person who shall have so made, taken, and subscribed the same, if the same shall be demanded, immediately, for which Certificate there shall be paid no greater Fee or Reward than Two Shillings ; and such Certificate, upon Proof of the Certifier's Hand, and that he acted as such Officer, shall be competent and sufficient Evidence of such Persons having duly made, taken, and subscribed such Declaration and Oath, unless the same shall be falsified. s. 1.

Officer of the court to deliver certificates of the declaration and oath having been made,

which shall be sufficient evidence.

The said Officer with whom such Records are kept as aforesaid shall, yearly, on or before the Twenty-fifth Day of Decem-

Lists of the persons who shall have taken the

oath to be transmitted to the Clerk of the Privy Council annually.

ber, transmit to the Clerk of his Majesty's most honourable Privy Council, Lists of the Persons, with their Titles, Additions, and Places of Abode, who shall have made and subscribed such Declaration and Oath in the preceding Year. 31 G. 3. c. 32. s. 2.

And whereas, by an Act passed in the First Year of the Reign of her late Majesty Queen Elizabeth, [1 Eliz. c. 1.] and by several other Acts, namely, [23 Eliz. c. 1. 29 Eliz. c. 6. 35 Eliz. c. 2. 2 vulgo 1 Jac. 1. c. 4. 3 Jac. 1. c. 4. 3 Jac. 1. c. 5. 7 Jac. 1. c. 6.] all Persons are required to resort to their Parish Church or Chapel, or some usual Place where the Common Prayer shall be used, upon Pain of incurring the Punishments and Disabilities in the said Acts respectively mentioned; and also are liable to Prosecution and Penalties for keeping or having in their Houses any Servant or other Person not so resorting: now be it further enacted, that from and after the said Twenty-fourth Day of June 1791, no person professing the Roman Catholic Religion, who shall take and subscribe the Oath herein-before appointed to be taken and subscribed, shall be convicted or prosecuted upon, or shall be liable to be prosecuted upon, the said last recited Statutes, or any of them, or upon any other Statute, or any other Law of this Realm, by Indictment, Information, Action of Debt, or otherwise, or shall be prosecuted in any Ecclesiastical Court for not resorting or repairing to his or her Parish Church or Chapel, or some other usual Place of Common Prayer, to hear Divine Service, and join in public Worship, according to the Forms and Rites of the Church of England as by Law established, or for keeping or having any Servant or other Person being a Papist, or reputed Papist, or Person professing the Popish Religion, who shall not so resort or repair to his or her Parish Church or Chapel, or some such other usual Place of Common Prayer as aforesaid. s. 3.

No Roman catholick who shall have taken the oath appointed, to be prosecuted for not resorting to some parish church, &c.

And whereas by several Acts, namely, [the said statute 23 Eliz. c. 1. 27 Eliz. c. 1. 35 Eliz. c. 2. 2 vulgo 1 Jac. 1. c. 4. 3 Jac. 1. c. 5. 3 Car. 1. c. 2. and 25 Car. 2. c. 2.] Papists or reputed Papists, Persons professing or educated in the Popish Religion, Popish Recusants, Popish Recusants Convict, Persons reconciled to or holding Communion with the See of Rome, Popish Bishops, Priests, or Deacons, Persons entering or belonging to any Ecclesiastical Order or Community of the Church of Rome, Persons hearing or saying Mass, or being present at, or conforming to, or performing or observing any Rite, Ceremony, Practice, or Observance of the Church of Rome, or maintaining or assisting others therein, are made subject to the



Punishments, Penalties, and Disabilities therein mentioned : now be it further enacted, that from and after the said Twenty-fourth Day of June 1791, no Person who shall take and subscribe the Oath herein-before appointed to be taken and subscribed in Manner hereby required, shall be presented, indicted, sued, impeached, prosecuted, or convicted, in any Civil or Ecclesiastical Court of this Realm, for being a Papist, or reputed Papist, or for professing or being educated in the Popish Religion, or for hearing or saying Mass, or for being a Priest or Deacon, or entering or belonging to any Ecclesiastical Order or Community of the Church of Rome, or for being present at, or performing or observing any Rite, Ceremony, Practice or Observance of the Popish Religion, or maintaining or assisting others therein. s. 4.

No person who shall have taken the appointed oath prosecutable for being a papist, &c.

Provided always, that no Place of Congregation, or assembly for religious Worship, shall be permitted or allowed by this Act, until the Place of such Meeting shall be certified to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County, City, or Place in which such Meeting shall be held, and until the Place of such Meeting shall be recorded at the said General or Quarter Sessions ; the Clerk of the Peace whereof is hereby required to record the same, and to give a Certificate thereof to such Person as shall demand the same, for which there shall be no greater Fee or Reward taken than the Sum of Sixpence; and that no Person in Holy Orders, or pretended Holy Orders, whether as Priest or as a Minister of any other higher Rank or Order, shall perform any Ecclesiastical Function, or otherwise officiate in any such Place of Meeting, until his Name, and his Description, as a Priest or Minister, shall have been recorded at the Quarter or other General Session of the Peace for the County, or other Division or Place, in which such Place of Meeting shall be situate, by the Clerk of the Peace of the said Court; who is hereby required to record such Name and Description accordingly, upon demand by such Person, and upon Payment of Sixpence as a Fee or Reward, and shall give a Certificate thereof to such Person as shall from time to time demand the same, for which Certificate no greater Fee or Reward shall be taken than Two Shillings; and no Priest or Minister of any Rank, in Holy Orders, or pretended Holy Orders, who shall officiate in any such Place of Meeting, not so recorded as aforesaid, shall be deemed to be within the Benefit of this Act, for any Purpose whatsoever. s. 5.

No assembly for religious worship allowed under this Act till it shall be certified to the Quarter Sessions, &c.

nor any person to perform any ecclesiastical function therein, until his name, &c. be recorded by the Clerk of the Peace.

No such place of assembly to be locked during the meeting.

Provided always, that if any Assembly of Persons professing

the Roman Catholic Religion shall be had in any place for religious Worship, with the doors locked, barred, or bolted during any time of such meeting together, all and every person and persons, who shall come to or be at such Meeting, shall not receive any Benefit from this Law; but, notwithstanding having taken the aforesaid Oath of Allegiance, Abjuration, and Declaration, shall, from the time of Conviction, be liable to the same Pains and Penalties for such their Meeting, as if this Act had not been made. 31 G. 3. c. 32. s. 6.

Roman Catholics may execute the office of constable, &c. by deputy.

If any person professing the Roman Catholic Religion shall hereafter be chosen or otherwise appointed to bear the Office of High Constable or Petty Constable, Churchwarden, Overseer of the Poor, or any other Parochial or Ward Office, and such person shall scruple to take upon him any of the said Offices, in regard of the Oaths or any other matter or thing required by the Law to be taken or done in respect of such Office, every such person shall and may execute such Office or Employment by a sufficient Deputy by him to be provided, that shall comply with the Laws in this behalf; but the said Deputy shall be allowed and approved by such person or persons, in such manner as such Officer or Officers respectively should by Law have been allowed and approved. s. 7.

Ministers of any Roman Catholic congregation who shall take the aforesaid oath, exempted from serving on juries, &c.

Every Priest, or other Person in Holy Orders, or pretended Holy Orders, being a Minister, Teacher, or Preacher of any Congregation of Persons professing the Roman Catholic Religion, who shall take and subscribe the aforesaid Oath of Allegiance, Abjuration, and Declaration, in manner herein-before prescribed, shall from thenceforth be exempted from serving upon any Jury, or from being chosen or appointed to bear the Office of Churchwarden, Overseer of the Poor, or any other Parochial or Ward Office, or other Office, in any Hundred of any Shire, City, Town, Parish, Division, or Wapentake. s. 8.

Laws for frequenting of divine service to continue in force.

Provided always, that all the Laws made and provided for the frequenting of Divine Service on the Lord's Day, commonly called Sunday, shall be still in force, and executed against all persons who shall offend against the said Laws, unless such persons shall come to some Congregation or Assembly of Religious Worship permitted by this Act, or by an Act passed in the First Year of the Reign of King William and Queen Mary, intituled "An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws." s. 9. See this Act ante, p. 787.

If any person or persons do and shall, willingly and of purpose, maliciously or contemptuously come into any Place of Congregation, or Assembly of Religious Worship, permitted by this Act, and disquiet or disturb the same, or misuse any Priest, Minister, Preacher, or Teacher therein, such person or persons, upon proof thereof before any Justice of the Peace, by two or more sufficient Witnesses, shall find Two Sureties of the Peace, to be bound by Recognizance in the penal Sum of Fifty Pounds, and in default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter Session; and upon Conviction of the said Offence at the said General or Quarter Session, shall suffer the Pain and Penalty of Twenty Pounds, to the use of the King's Majesty, his Heirs and Successors. s. 10.

Penalty on persons disturbing congregations, or misusing priests.

Provided always, that no Benefit in this Act contained shall extend, or be construed to extend, to any Roman Catholic Ecclesiastic permitted by this Act, who shall officiate in any Place of Congregation or Assembly for religious Worship permitted by this Act with a Steeple and Bell, or at any Funeral in any Church or Church-yard, or who shall exercise any of the Rites or Ceremonies of his Religion, or wear the Habits of his Order, save within some Place of Congregation or Assembly for religious Worship permitted by this Act, or in a Private House, where there shall not be more than Five Persons assembled besides those of the Household, or who shall not previously to his so officiating or exercising his Functions as aforesaid have taken and subscribed the Oath of Allegiance, Abjuration, and Declaration, hereby appointed to be taken as aforesaid. s. 11.

Act not to extend to Roman catholic ecclesiastics in certain cases;

Provided also, that nothing herein contained shall be construed to exempt any such person professing the Roman Catholic Religion from paying Tythes or other Parochial Duties, or any other Duties to the Church or Minister, or from any Prosecution in any Ecclesiastical Court, or elsewhere, for the same; or to repeal any Part of the Act made in the Twenty-sixth Year of the Reign of his late Majesty King George the Second, intituled "An Act for the better preventing of Clandestine Marriages," or any Parts of any other Statutes concerning Marriages; or to give any Ease, Benefit, or Advantage to any Person, who shall by preaching, teaching, or writing, deny or gainsay the Oath of Allegiance, Abjuration, and Declaration herein-before mentioned and appointed to be taken as aforesaid, or the Declarations or Doctrines therein contained, or any of them; or to repeal or

nor to exempt Roman Catholics from paying tithes, &c.

nor to repeal any part of 26 G. 2. c. 33. &c.

affect any Law now in force concerning the Right or Succession to, or the Limitation of the Crown. 31 G. 3. c. 32. s. 12.

No Roman Catholic who shall take the appointed oath prosecutable for teaching youth ;

No Ecclesiastic or other Person professing the Roman Catholic Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration, herein-before mentioned and appointed to be taken and subscribed as aforesaid, shall be prosecuted in any Court whatsoever, for teaching and instructing Youth as a Tutor or Schoolmaster, any Law or Statute to the contrary notwithstanding. s. 13.

but no Roman Catholic to hold the mastership of any college or school of royal foundation, &c.

Provided always, that no person professing the Roman Catholic Religion shall obtain or hold the Mastership of any College or School of Royal Foundation, or of any other endowed College or School for the Education of Youth, or shall keep a School in either of the Universities of Oxford and Cambridge. s. 14.

No Roman catholic school-master to educate in his school any child of a protestant father, nor to keep a school until his name, &c. shall have been recorded by the Clerk of the Peace.

Provided also, that no Schoolmaster professing the Roman Catholic Religion shall receive into his School, for Education, the Child of any Protestant Father. s. 15.

Provided also, that no person professing the Roman Catholic Religion shall be permitted to keep a School for the Education of Youth, until his or her Name and Description as a Roman Catholic School-master or School-mistress shall have been recorded at the Quarter or General Session of the Peace for the County or other Division or Place where such School shall be situated, by the Clerk of the Peace of the said Court, who is hereby required to record such Name and Description accordingly, upon Demand by such person, and to give a Certificate thereof to such person as shall at any time demand the same ; and no person offending in the premises shall receive any Benefit of this Act. s. 16.

No religious order, &c. to be founded by Roman Catholics, &c.

Provided also, that nothing in this Act contained shall make it lawful to found, endow, or establish any religious Order or Society of Persons bound by Monastick or religious Vows, or to found, endow, or establish any School, Academy, or College, by Persons professing the Roman Catholic Religion, within these Realms, or the Dominions thereunto belonging ; and that all Uses, Trusts, and Dispositions, whether of Real or Personal Property, which immediately before the said Twenty-fourth Day of June 1791, shall be deemed to be superstitious or unlawful, shall continue to be so deemed and taken, any thing in this Act contained notwithstanding. s. 17.

And whereas by an Act, made in the First Year of the Reign of her late Majesty Queen Elizabeth, [1 Eliz. c. 1.] the Persons

therein mentioned were made compellable to take the Oath therein mentioned, commonly called the Oath of Supremacy: and whereas by an Act made in the Third Year of the Reign of his late Majesty King James the First, [3 Jac. 1. c. 4.] another Oath, commonly called the Oath of Allegiance or Obedience, was required to be taken by the Persons therein mentioned: and whereas by an Act made in First Session of the First Year of the Reign of King William and Queen Mary, [1 W. & M. st. 1. c. 8.] the said Oaths, so required by the said Acts of the First of Elizabeth and the Third of James the First, were abrogated, and a new Oath of Allegiance, and a new Oath of Supremacy, were introduced and required to be taken: and whereas by an Act made in the Second Session of the First Year of the Reign of his late Majesty King George the First, [1 G. 1. st. 2. c. 13.] amongst other Oaths thereby appointed to be taken, one is an Oath of Supremacy, in the same Words as the Oath of Supremacy required by the said recited Act of the First Session of the First Year of King William and Queen Mary: and whereas, under the Provisions of the said two last-recited Acts, Persons in general are liable to have the Oath of Supremacy therein mentioned tendered to them, and are exposed to Penalties for not taking such Oath when tendered, as is required by the said two last recited Acts respectively: and whereas by the said Act passed in the Twenty-fifth Year of the Reign of his said Majesty King Charles the Second, there is contained a Declaration, commonly called the Declaration against Transubstantiation; be it further enacted, that from and after the said Twenty-fourth Day of June 1791, no Person shall be summoned to take the Oath and make the Declaration above mentioned, or be prosecuted for not obeying such Summons. s. 18.

No person to be summoned to take the oath required by 1 Gul. & Mar. sess. 1. c. 8. or the declaration required by 25 Car. 2. c. 2.

And be it also enacted, that from and after the said Twenty-fourth Day of June 1791, the Act passed in the First Year of the Reign of their Majesties King William and Queen Mary, intituled "An Act for the removing Papists, and reputed Papists, from the Cities of London and Westminster," shall not extend, or be deemed, taken, or construed to extend, to any Person professing the Roman Catholic Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed. s. 19.

nor 1 Gul. & Mar. sess. 1. c. 9. to extend to Roman catholicks who have taken the appointed oath.

And whereas by a clause in an Act passed in the Thirtieth Year of the Reign of King Charles the Second, intituled "An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House

30 Car. 2. st. 2. section 5, recited;

and no peer who shall have taken the appointed oath to be liable to prosecution under that act.

The Statute  
1 G. 1. st. 2.  
c. 55.

of Parliament," it was enacted, that, amongst other Persons therein described, every Peer of the Realm of England, and Member of the House of Peers, and every Peer of the Kingdom of Scotland, or of the Kingdom of Ireland, being of the Age of One and-twenty Years or upwards, not having taken the Oaths and Declaration therein mentioned, and who should come advisedly into or remain in the Presence of the King's Majesty or Queen's Majesty, or should come into the Court or House where they or any of them reside, as well during the Reign of his then Majesty, as during the Reigns of any his royal Successors, Kings or Queens of England, should incur all the Pains, Penalties, Forfeitures, and Disabilities in the said Act mentioned or contained, unless such Peers should, in the next Term after such his coming or remaining, take the said Oaths and make and subscribe the said Declaration in his Majesty's High Court of Chancery, between the Hours of Nine and Twelve in the Forenoon: now be it further enacted, that from and after the said Twenty-fourth Day of June 1791, no Peer of Great Britain or Ireland, or Member of the House of Peers of Great Britain, or of the Kingdom of Ireland, professing the Roman Catholic Religion, who shall take and subscribe the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, shall be liable to be prosecuted for such Offence in the said recited Act of the Thirtieth Year of King Charles the Second, or be liable to any of the Pains, Penalties, Forfeitures, and Disabilities for Breach of the Provision in the said Clause contained, or be otherwise deemed to fall within or be affected by any part of the said Provision. 31 G. 3. c. 32. s. 20.

And whereas by an Act passed in the Second Session of the First Year of the Reign of his late Majesty King George the First, [1 G. 1. st. 2. c. 55.] all and every such Person and Persons as therein are described, are, in default of taking, within the time thereby limited, the several Oaths of Allegiance, Supremacy, and Abjuration, required by the said Act passed in the First Session of the First Year of the Reign of his said late Majesty King George the First herein-before recited, and of repeating and subscribing the Declaration against Transubstantiation and Popery, expressed in and required by the said Act passed in the Second Session of the Thirtieth Year of the Reign of King Charles the Second, required to register their Names, and also their Lands, Tenements, and Hereditaments, in manner and under the Penalties in the said now reciting Statute mentioned and expressed: and whereas by an Act, passed in



the Third Year of the Reign of his said Majesty King George the First, [3 G. 1. c. 18.] and by other subsequent Acts, it is enacted, that no Manors, Lands, or any interest therein, or rent or profit thereout, shall pass, alter, or change from any Papist or Person professing the Popish Religion by any Deed or Will, except such Deed within Six Months after the Date, and such Will within Six Months after the Death of the Testator, be enrolled in one of the King's Courts of Record at Westminster, or within the County wherein the Manors or Lands do lie: now be it further enacted, that the said two last-recited Acts, passed in the First and Third Years of the Reign of his said Majesty King George the First, and also such parts of all other Acts as require the Registry of the Names and Estates of Persons being Papists, or professing the Popish Religion, or being reputed to be such, shall be and the same are hereby utterly repealed, abrogated, and made void; and from and after the said Twenty-fourth Day of June 1791, no Person whatsoever shall be prosecuted, sued, molested, or otherwise affected, by reason of not having complied with or conformed to the said hereby repealed Acts and Parts of Acts, or any of them; and all Deeds and Wills shall, from and after the said Twenty-fourth Day of June 1791, be as good and effectual, both at Law and in Equity, and to and for all intents and purposes whatsoever, as if the said hereby repealed Acts and Parts of Acts had never been made. s. 21.

and 3 G. 1. c. 18. relating to the registry of the manors, lands, wills, &c. of certain persons, recited,

and repealed;

and no person liable to prosecution for not having complied therewith.

And whereas by an Act passed in the Seventh and Eighth Years of the Reign of King William the Third, [7, 8 W. 3. c. 4.] and an Act passed in the First Year of the Reign of his Majesty King George the First, [1 G. 1. st. 2. c. 13.] all persons acting as a Counsellor at Law, Barrister, Attorney, Solicitor, Clerk, or Notary, by practising in any manner as such in any Court or Courts whatsoever, not having before the time of such acting taken the Oaths and Declaration in the said Acts respectively prescribed, are made liable to the Penalties in the same Acts respectively mentioned; now be it further enacted, that the Oaths and Declaration in and by the said last mentioned Acts respectively mentioned and appointed to be taken and subscribed by persons acting as a Counsellor at Law, Barrister, Attorney, Solicitor, Clerk, or Notary, as in the said Acts respectively is mentioned, shall, from and after the said Twenty-fourth Day of June 1791, be no longer put or administered to, or required to be taken by any person professing the Roman Catholic Religion, as a Qualification or Requisite to enable

The oaths and declaration therein mentioned no longer to be required, but the oath hereby appointed, to qualify persons to act as counsellors, &c.

him to act in the Capacities aforesaid, or any of them; but the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, shall, from and after the said Twenty-fourth Day of June 1791, be administered, taken, and subscribed to and by persons professing the Roman Catholic Religion, and acting or requiring to act in the Capacities aforesaid, or any of them, in the stead and place of the said Oaths and Declaration, and every of them; and in order thereto, the Oath of Allegiance, Abjuration, and Declaration, herein-before appointed to be taken and subscribed, may and shall be administered, taken, and subscribed in the same Courts, and may and shall be registered in the same manner as the Oaths and Declaration in the room of which it is hereby substituted, are by the Acts so prescribing the same Oaths and Declaration respectively as aforesaid, appointed to be administered, taken, subscribed, and registered; and when so taken, subscribed, and registered, shall, for the purpose of enabling persons professing the Roman Catholic Religion to act in the Capacities aforesaid, or any of them, have the same Effect and Operation to all Intents, Constructions, and Purposes whatsoever, as the Oaths and Declaration in the room of which it is hereby substituted. 31 G. 3. c. 32. s. 22.

Act not to extend to Scotland.

Provided always, that nothing in this Act contained shall extend or be construed to extend to that Part of Great Britain called Scotland. s. 23.

## Revenue.

§ 1. *Regulations for preventing Smuggling and protecting Officers of the Revenue and others.*

§ 2. *Forgeries relating to the Revenues of Customs and Excise.*

§ 3. *Perjuries relating to the Revenue of Excise.*

§ 4. *The Offence of delivering out false Permits.*

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§ 1. *Regulations for preventing Smuggling and protecting Officers of the Revenue and others.*

Armed persons, to the number of three, or more, assembled to assist in the illegal exporting or running of goods, &c. liable to payment of any duties;

The Statute 19 G. 2. c. 34. enacts, that if any persons to the number of Three or more, armed with Fire-arms or other offensive Weapons, shall from and after the 24 July 1746, be assembled, in order to be aiding and assisting in the illegal Exportation of Wool, or other Goods prohibited to be exported, or the carrying of Wool or other such Goods in order to such Ex-

portation, or in the running, landing, or carrying away prohibited or uncustomed Goods, or Goods liable to pay any Duties, which have not been paid or secured; or in the illegal relanding of any Goods whatsoever, which have been shipped or exported upon Deventure or Certificate; or in rescuing or taking away the same, after Seizure, from any Officer or Officers of the Customs or Excise, or other his Majesty's Revenue, or other person or persons employed by him or them, or assisting him or them, or from the Place where they shall be lodged by him or them; or in rescuing any person who shall be apprehended for any of the Offences made Felony by this or any other Act relating to the Revenues of Customs or Excise; or in preventing the apprehending any person who shall be guilty of any such Offence; or in case any persons to the number of Three or more, so armed as aforesaid, shall, after the said 24 July, be so aiding or assisting, or if any person shall from and after the said 24 July have his Face blacked, or wear any Vizard, Mask, or other Disguise, when passing with such Goods (1), or shall forcibly hinder, obstruct, assault, oppose, or resist any of the Officers of the Customs or Excise, or other his Majesty's Revenue, in the seizing or securing any such Goods; or if any person or persons, from and after the said 24 July 1746, shall maim or dangerously wound any Officer of the Customs or Excise, or any other his Majesty's Revenue, in his attempting to go on board any Ship or Vessel within the Limits of any of the Ports of this Kingdom, or shoot at, maim, or dangerously wound him when on board such Ship or Vessel, and in the due Execution of his Office or Duty, then every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy; and that all and every person and persons who shall at any time be convicted of any of the Offences aforementioned, within that Part of Great Britain called Scotland, shall for every such Offence incur and suffer the Pains of Death, and Confiscation of Moveables. s. 1.

or in relanding such goods, &c. or rescuing the same;

or rescuing offenders against laws of customs or excise;

or aiding or assisting;

or appearing in disguise with such goods, or shall resist or wound officers of customs or excise in the execution of their duty,

shall be guilty of a capital felony.

Persons charged upon Oath before Justices of Peace, Judges of K. B., or Lord Justice General, &c.; such Justice, &c. shall certify the Information to One of the Secretaries of State, who is to lay the same before the King in Council, and thereupon an Order shall be made for the Offender's surrendering in Forty Days: Offenders surrendering shall be committed: Such Order

(1) See Statute 19 G. 3. c. 69. s. 9. post.

shall be published in Two successive Gazettes, and transmitted to the Sheriff who shall proclaim the same; Copy to be affixed in the Market Towns: Offenders not surrendering, &c. to be deemed attainted, and the Court of King's Bench or Justices of Oyer and Terminer, &c. shall award Execution against Offenders. s. 2.

This clause is now virtually repealed by the twelfth section of the Statute 52 G. 3. c. 143. which see post.

Persons harbouring, &c. offenders after the time appointed for their surrender,

And be it enacted by the Authority aforesaid, That all and every Person and Persons who shall, after the time appointed as aforesaid for the Surrender of any Person or Persons, so charged upon Oath with any of the Offences aforesaid, shall be expired, harbour, receive, conceal, aid, abet, or succour such Person or Persons, knowing him or them to have been so charged as aforesaid, and to have been required to surrender him or themselves by such Order or Orders as aforesaid, and not to have surrendered pursuant to such Order or Orders, being prosecuted for the same within One Year after the Offence committed, and lawfully convicted thereof, shall be guilty of Felony; and shall be transported as a Felon or Felons to some or one of His Majesty's Colonies or Plantations in America, there to remain for the Space of Seven Years, in the same Manner as Felons are appointed to be transported by an Act made in the Fourth Year of the Reign of His late Majesty King George the First, [4 G. 1. c. 11.] and by another Act made in the Sixth Year of the Reign of his said late Majesty, [6 G. 1. c. 13.]; and if any such Offender or Offenders shall return into Great Britain or Ireland before the Expiration of the said Term, contrary to the Intent and Meaning hereof, he or they so returning shall suffer as Felons, and have Execution awarded against them as Persons attainted of Felony without Benefit of Clergy. 19 G.2. c. 34. s. 3.

shall be guilty of felony, and be transported as felons for seven years;

and returning before expiration of the said term, shall suffer death.

Magistrates, &c. may secure and proceed against offenders by the ordinary course of law.

Nothing herein contained shall be construed to prevent or hinder any Judge, Justice of the Peace, Magistrate, Officer, or Minister of Justice whatsoever, from taking, apprehending, and securing such Offender or Offenders, against whom such Information shall be given, and for requiring whose Surrender such Order in Council shall be made as aforesaid, by the ordinary Course of Law; and in case such Offender or Offenders, against whom such Information, and for requiring whose Surrender such Order in Council shall be made as aforesaid, shall be taken and secured, in order to be brought to Justice, before the Time shall be expired, within which he or they shall be required to surrender him or themselves by such Order in Council

as aforesaid; that then, in such Case, no further Proceedings shall be had upon such Order made in Council against him or them so taken and secured as aforesaid; but he or they shall be brought to Trial by due Course of Law; any thing herein contained to the contrary in anywise notwithstanding. s. 4.

And for the better and more impartial Trial of any Indictment or Information which shall be found, commenced, or prosecuted for any of the Offences made Felony by this or any other Act relating to the Revenues of Customs or Excise, be it enacted, that every such Offence shall and may be enquired of, examined, tried, and determined in any County within that Part of the Kingdom of Great Britain called England, in such manner and form as if the Fact had been therein committed: Provided, that no Attainder for any of the Offences made Felony by virtue of this Act, shall make or work any Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements. s. 5. See post, 43 G. 3. c. 157. s. 2.

Offences may be tried in any county.

Attainder not to work corruption of blood, loss of dower, or forfeiture of lands.

If any Officer or Officers of His Majesty's Revenue, or other Persons, being employed in the seizing, conveying, or securing any Wool, or other Goods forfeited, on account of their being prohibited or uncustomed Goods, or on account of the Duties chargeable thereon not having been paid or secured, or by virtue of any Law made to prevent the Exportation of Wool or other Goods, or in endeavouring to apprehend any Offender against this Act, shall be beat, wounded, maimed, or killed by any Offender against this Act, or the said Wool or other Goods so seized, shall be rescued by Persons so armed as aforesaid; in all such Cases respectively, the Inhabitants of every Rape or Lath, in such Counties as are divided into Rapes or Laths, and in every other County the Inhabitants of every Hundred, where such Facts shall be committed, within that Part of Great Britain called England, shall make full Satisfaction and Amends for all the Damages which such Officers or Persons shall respectively suffer by such beating, wounding, and maiming respectively, and by the Loss of such Goods so seized and rescued, and shall also pay the Sum of One hundred Pounds for each Person so killed, to the Executors or Administrators of such Officers, or other Persons so killed as aforesaid; and that such respective Officers and other Persons, and their said Executors and Administrators, shall be and are hereby enabled to sue for and recover such their Damages, so as the Sum to be recovered for any such beating, wounding, or maiming, shall not exceed Forty Pounds, nor for the Loss of the Goods Two hundred

If any revenue officer shall be wounded or killed in seizing wool, or goods forfeited,

or securing offenders,

or the goods shall be rescued,

the rape, lath, or hundred shall make amends for such damages,

and pay for each person killed £100 to the executors,

and for beating, &c. not exceeding £40,

and for loss of goods not exceeding £200.

Damages to be rateably taxed,

and levied as the Act 8 G. 2. c. 16. concerning robberies directs, &c.

If the plaintiff be nonsuited, the charges of the defence, &c. to be levied as the recited Act directs.

Notice to be given within four days of the injury received;

Pounds, against the Inhabitants of the said Rape or Lath, in such Counties as are divided into Rapes or Laths, and in every other County the Inhabitants of every Hundred, who by this Act shall be made liable to answer all or any Part thereof; and that if such Person or Persons shall recover in such Action, all the Inhabitants of the Rape or Lath in such Counties as are divided into Rapes or Laths, and in every other County the Inhabitants of every Hundred, who by this Act shall be made liable to all or any Part of the said Damage or Sum, shall be ratably and proportionably taxed and assessed for and towards Payment of the Damages and Costs to be recovered by the Plaintiff or Plaintiffs in any Action to be brought upon this Act, and also of all just and necessary Expences in defending such Action; which Taxation and Assessment shall be made, levied, and paid by the Ways and Means, and in the Manner and Form prescribed for the levying and paying Damages and Costs recovered against Inhabitants of Hundreds in Cases of Robberies, and for the levying and paying the just and necessary Expences in defending any Action to be brought for such Damages, in and by an Act made in the Eighth Year of the Reign of his present Majesty, [8 G. 2. c. 16.] and by so much of any former Law relating to Actions against Hundreds, in case of Robberies, as is not repealed or altered by the said Act; and that if any Plaintiff or Plaintiffs, in any Action to be brought upon this Act, shall be nonsuited, or shall discontinue his, her, or their Action; or if in such Action, Judgement on Demurrer, or Verdict shall be given against him, her, or them, the Charges necessarily expended in defending such Action, over and above the Costs in those Cases to be taxed, and also the taxed Costs, in case the Plaintiff or Plaintiffs be insolvent, shall be levied by such Taxation and Assessment, and shall be paid in such Manner, as in the like Cases such Charges and Costs in Actions brought upon the said Act are thereby directed to be levied and paid; and that every Action to be brought upon this Act shall be prosecuted in like Manner as Actions upon the said Act of the Eighth Year of the Reign of his present Majesty are directed to be prosecuted. 19 G. 2. c. 34. s. 6.

Provided nevertheless, that no Person or Persons shall recover any Damages, by virtue of this Act, for any such beating, wounding, maiming, or Loss of Goods, unless he or they shall, within Four Days after such Damage or Injury, cause Notice to be given of such Offence being committed, unto Two or more of the Inhabitants of some Town, Village, or Hamlet, near to



the Place where such Fact shall have been committed, and shall within Eight Days after such Fact declare, by Examination upon Oath before some Justice of the Peace of the County, Liberty, or Division where the same was committed, which Examination every such Justice shall be obliged to take, whether he or they so examined do know the Person or Persons who committed such Fact, or any of them; and if upon such Examination it be declared, that he or they knew the Person or Persons who committed the same, or any of them, then he or they shall be bound by Recognizance to prosecute such Offender or Offenders according to Law; and that no such Person or Persons shall recover any Damages by virtue of this Act, unless he or they shall, over and besides the said Notice and Recognizance herein-before required, give such Notice and enter into such Recognizance as Persons robbed are, by the said Act of the Eighth Year of the Reign of His present Majesty, directed to give and enter into, in order to enable them to maintain Actions upon the said Act. 19 G. 2. c. 34. s. 7.

and examination on oath within eight days.

Justices to take the examination.

Recognizance to prosecute to be entered into.

Provided also, that where any Offender shall be apprehended and convicted of such Offence within the Space of Six Calendar Months after the Offence committed, no Hundred, Rape, or Lath, or any Inhabitant thereof, shall be in anywise subject to make any Satisfaction for such Damages, or to pay the said One hundred Pounds to the Executors or Administrators of such killed Person. s. 8.

No satisfaction to be made if the offender be convicted within six months.

Provided also, that no Person shall be intitled to bring any Action against the Inhabitants of any Hundred, Rape, or Lath, for any the Matters aforesaid, unless the same shall be commenced within One Year after the Offence committed. s. 9.

Limitation of action for damages.

And for the better discovering and apprehending the said Offender or Offenders in that Part of Great Britain called England, who shall have been advertised as aforesaid, and shall not have surrendered him or themselves within Forty Days as aforesaid, be it enacted by the Authority aforesaid, that from and after the 24th July 1746, all and every person or persons, who shall apprehend and take or discover, so that he may be taken, any person in that Part of Great Britain called England, so advertised as aforesaid, who shall not have surrendered himself within Forty Days as aforesaid, and cause him to be brought before the Lord Chief Justice of the Court of King's Bench, or before any one of the Justices of the said Court, or any one of his Majesty's Justices of the Peace for London or Middlesex (who is hereby required to commit such person to the Prison of Newgate for

Persons apprehending, &c. an offender.

such Felony), shall have and receive for every such person who shall be so apprehended, the Sum of Five hundred Pounds, to be paid within One Month after Execution shall be awarded against such Offender so apprehended and committed as aforesaid, by the Commissioners of the Customs or Excise respectively, who are hereby required to receive the Applications of all such who are concerned in such discovering or apprehending such Offender, and determine who are intitled to the said Reward, and their respective Shares and Proportions thereof; and the same shall be divided amongst such Persons as aforesaid, in such Shares and Proportions, as to the said Commissioners of the Customs or Excise respectively, or to the major Part of them, shall seem reasonable; and if any such Offender, against whom no such Order of Council shall have been made, shall himself so discover or apprehend any other Offender, against whom such Order shall have been made, he shall be discharged and acquitted of such his own Offence, and all other the like Offences then before committed, and for which no Prosecution shall have been then commenced, and shall also have his Share of the Reward; and if any person or persons shall happen to lose a Limb or an Eye, or be otherwise grievously maimed or wounded in the apprehending, or endeavouring to apprehend, or making Pursuit after such Offender or Offenders, all and every person or persons so wounded and maimed as aforesaid, shall, upon Application to the Commissioners of the Customs or Excise respectively as aforesaid, have and receive the Sum of Fifty Pounds, over and above any other Reward that he or they may be entitled to as an apprehender by virtue of this Act; and in case any person or persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making pursuit after any such Offender or Offenders, that then the Executors or Administrators of such person or persons so killed as aforesaid, upon Application to the Commissioners of the Customs or Excise respectively as aforesaid, and laying sufficient proof before them of such person being killed as aforesaid, shall have and receive the Sum of One hundred Pounds; all which Rewards before mentioned shall be paid to the several and respective persons who shall become intitled thereto as aforesaid, by the Receiver General of the Customs, or Cashier of the Excise respectively, upon an Order directed to them for that Purpose by the Commissioners of the Customs or Excise; and the Money paid by such Receiver General or Cashier as aforesaid, shall be accepted of and allowed in his Accounts as so much Money paid to his Majesty, and every such Officer shall be hereby discharged thereof accord-

to be paid £500,

by the commissioners of the customs or excise, who are to adjust the claimers rights.

Offenders discovering, &c. others,

to be acquitted, and have a share of the premium.

Persons losing a limb or an eye, or being badly wounded in apprehending, &c. or pursuing offenders,

to be paid £50, above any other reward;

and executors of persons killed, £100.

Rewards by whom to be paid.

ugly; any Law, Custom, or Usage to the contrary notwithstanding. 19 G. 2. c. 34. s. 10.

If any of the said Offender or Offenders in that Part of Great Britain called England, at any Time before his Majesty's Order in Council shall be made, requiring him or them to surrender him or themselves within the Space of Forty Days as aforesaid, shall discover two or more of his, her, or their Accomplices therein, to the Commissioners of the Customs or Excise in England respectively, and apprehend them, or cause them to be apprehended, so as they, or two of them at least, be brought to Justice, and convicted of such Offence, the Offender or Offenders so discovering shall have and receive the Sum of Fifty Pounds for every such Offender so discovered and convicted, as a Reward for such his, her, or their Discovery; and every such Person so discovering shall be clearly acquitted and discharged of such his, her, or their Offence, and all other the like Offences then before committed: which said Reward shall be paid in such Manner as hereinbefore is mentioned with respect to the Reward for apprehending. s. 11.

Offenders discovering and causing to be convicted two or more accomplices,

to receive £50.

and be also pardoned.

Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain his Majesty's Court of King's Bench, or any of the Judges thereof, or the Court of Justiciary in Scotland, or any of the Judges thereof respectively, from bailing any Person committed for Felony by virtue of this Act, and not convicted or attainted thereof as aforesaid, in such Manner as they may by Law do in other Cases of Felony. s. 12.

Judges of K. B. &c. may bail offenders.

And be it further enacted, that in case any Information shall be commenced and brought to Trial, on account of the Seizure of any Ship as forfeited for illegally carrying Goods, or of any Wool, Goods, Wares or Merchandizes, as prohibited or uncustomed, or illegally carried or exported, or intended or attempted to be exported, or as illegally relanded after having been shipped or exported upon Debenture or Certificate, wherein a Verdict shall be found for the Claimer thereof, and it shall appear to the Judge or Court before whom the same shall be tried, that there was a probable Cause of Seizure, the Judge or Court before whom the said Information shall be tried shall certify on the Record, that there was a probable Cause for the Prosecutor's seizing the said Ship or Goods; and in such Case, the Defendant shall not be intitled to any Costs of Suit whatsoever, nor shall the Persons who seized the said Ship or Goods be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and that in case any Action, Indictment, or other

Costs of suit, &c. not to be given to defendant, where there was a probable cause of seizure.

The Judge to certify on the record.

Prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the Seizure of any such Ship, or of any Wool, Goods, Wares, or Merchandizes, as prohibited or uncustomed, or as illegally carried or exported, or intended or attempted to be exported, or illegally relanded as aforesaid, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge, before whom such Action or Prosecution shall be tried, shall certify on the said Record, that there was a probable Cause for such Seizure, then the Plaintiff, besides his Ship or Goods so seized, or the value thereof, shall not be intitled to above Two Pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined above One Shilling. 19 G. 2. c. 34. s. 16.

This Statute was continued by 26 G. 2. c. 32. 32 G. 2. c. 10. 4 G. 3. c. 12. 11 G. 3. c. 51. 19 G. 3. c. 69. 26 G. 3. c. 80. 28 G. 3. c. 23. s. 3. 36 G. 3. c. 40. s. 13. and by 43 G. 3. c. 157. So much thereof as relates to the further punishment of persons going armed or disguised, in defiance of the Laws of Customs or Excise, and to the relief of Officers of the Customs in Informations upon Seizures, is made perpetual. See also 45 G. 3. c. 121. s. 11. post.

Offences may be tried in any county in England.

Attainder shall not work corruption of blood, &c.

Officers of customs and excise, and their assistants, may arrest persons aiding in unshipping uncustomed, &c. or prohibited goods, and carry them before a Magistrate.

And for the better and more impartial Trial of any Indictment or Information which shall be found, commenced or prosecuted for any of the Offences made Felony by the said recited Acts, be it enacted, that every such Offence shall and may be enquired of, examined, tried, and determined in any County in England, in such manner and form as if the Fact had been therein committed; provided that no attainder for any of the Offences made Felony by the said recited Acts shall make or work any Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements. 48 G. 3. c. 157. s. 2.

From and after 1 August 1779, it shall and may be lawful for any Officer or Officers of the Customs or Excise, and for all other Persons acting in their Aid and Assistance, to arrest, stop, and detain all and every person and persons who shall be found aiding or assisting in unshipping, to be laid on Land, any Tea, Foreign Brandy, or other Foreign Spirituous Liquors, or any Goods or Merchandizes whatsoever (Customs and other Duties not being first paid or secured), or which are or may be prohibited to be imported into this Kingdom; and such Officer or Officers, and all Persons acting in their Aid and Assistance, shall forthwith carry and convey the said person or persons before one or more of his Majesty's Justices of the Peace, residing near to the Place where such Offences shall be committed; and

such Justice or Justices shall, if he or they see cause, commit such person or persons to the next County Gaol, there to remain without Bail or Mainprize until the next General Quarter Sessions of the Peace to be holden for the same County or Place, to be tried and dealt with as by this Act is hereinafter directed. 19 G. 3. c. 69. s. 8.

From and after 1st August 1779, if any persons, to the number of two or more in company, shall be found passing in any Part of this Kingdom with one or more Horse or Horses, or with any Cart or Carriage, whereon there shall be laden or put more than Six Pounds Weight of Tea, or Foreign Brandy or other Foreign Spirituous Liquors exceeding the quantity of Five Gallons, not having paid the respective Duties by Law charged thereon, and not having an authentic Permit or Permits with the same, and shall carry any offensive Arms or Weapons, or wear any Vizard, Mask, or other Disguise, when passing with such Tea or Foreign Spirituous Liquors as aforesaid, it shall and may be lawful for any Officer or Officers of the Customs or Excise, and all other persons acting in their Aid and Assistance, to stop, arrest, and detain the person and persons so passing as aforesaid, in whose Charge, Care, Custody, or Possession the said Tea, Foreign Brandy, or other Foreign Spirituous Liquors, or either of them, shall then be found: and the said Officer and Officers, and the Persons acting in their Aid and Assistance, shall and may and they are hereby authorized to convey the person or persons so offending as aforesaid before any one or more of his Majesty's Justices of the Peace, who, if he or they see cause, shall commit the Offender or Offenders to the next County Gaol, there to remain without Bail or Mainprize till the next General Quarter Sessions of the Peace of the County or Place, to be tried and dealt with as by this Act is herein-after directed. s. 9.

Persons travelling armed or disguised with any horse, &c. loaded with tea or liquor, without a permit, may be detained.

If from and after the said 1st August 1779, any person or persons whatsoever shall assault, resist, oppose, molest, obstruct, or hinder any Officer or Officers of the Customs or Excise in due seizing or securing any Coffee, Tea, Cocoa Nuts, Chocolate, Foreign Brandy, or other Foreign Spirituous Liquors, or any other Goods whatsoever, which by any Officer or Officers of the Customs or Excise shall and may be liable to be seized by virtue of or in pursuance of any Act now in force; or shall by force or violence rescue, or shall cause to be rescued, any of the said Goods after the same shall have been seized by such Officer or Officers aforesaid; or shall attempt or endeavour so to do, or

Persons obstructing officers on such duty,

or rescuing, &c. such goods,

or damaging  
casks or pack-  
ages,

may be arrested  
and committed  
to gaol.

Officer shall  
prosecute such  
offenders.

Persons guilty  
of the before  
mentioned of-  
fences, may be  
tried by the  
court of General  
Quarter Sessions.

Offenders may  
be sent to serve  
in the land or  
sea forces.

after such Seizure, shall cut, stave, break, or otherwise destroy or damage any Casks, Vessels, Boxes, or Package, wherein the same respectively shall be contained, it shall and may be lawful to and for the Officers of the Customs and Excise, and for all Persons acting in their Aid and Assistance, to stop, arrest, and detain all and every the person and persons so offending, and him, her, or them forthwith to carry and convey before one or more of his Majesty's Justices of the Peace near to the Place where the Offence shall be committed or done; and the Justice or Justices shall, if he or they see cause, commit the person or persons so brought before him or them to the next County Gaol, until the next General Quarter Sessions of the Peace to be holden for the same County or Place, there to be tried and dealt with as by this Act is herein-after directed. 19 G. 3. c. 69. s. 10.

By s. 11. the Officer conveying such Offender before a Justice shall, in case such Offender shall be committed to the County Gaol, enter into a Recognizance in £40 to prosecute such Offender; and the Charges of such Prosecution shall be paid by the Receivers General of the Customs and Excise.

Where any person or persons shall be arrested, detained, and committed as aforesaid, for any Offence against this Act, to any County Gaol, there to remain until the next General Quarter Sessions as aforesaid, it shall and may be lawful for the Justices at such Sessions, and they are hereby authorized and required, to examine, hear, try, and determine all and every such Offence and Offences; and if the person or persons so committed as aforesaid, shall be duly convicted before them of any Offence against this Act, then and in every such case it shall and may be lawful for the said Justices at such General Quarter Sessions, and they are hereby respectively authorized and required, in lieu of any other Punishment to which such Offender or Offenders might be liable for the same Offence by any former Act, to commit such person or persons to Hard Labour in the House of Correction of the County, City, Town, or Place, there to remain for a term not exceeding Three Years, nor less than One Year. s. 12.

Provided always, that if any person so convicted shall be approved of by any Officer of his Majesty's Land Forces or Fleet as an able and proper person to serve his Majesty, it shall and may be lawful for such Justices at such General Quarter Sessions, and they are hereby respectively authorized and required, in lieu of any other Punishment to which such Offender may be liable by this or any former Act for the same Offence or Offences,



to order and adjudge every such Offender to serve his Majesty as a Soldier or Sailor, and to cause such Man to be delivered over to such Officer of his Majesty's Land Forces or Fleet, such Officer giving a Receipt under his Hand acknowledging what Men are so delivered to him, which Receipt such Officer is hereby required to give; and such Officer may, in case he shall find it necessary, detain such Man in some secure House or Place; and no person so delivered in pursuance of this Act shall be liable to be taken out of his Majesty's Service by any Process, other than for Criminal Matter. 19 G. 3. c. 69. s. 13.

If the said Justices, in their Sessions, shall not be attended at the time of convicting such Offender or Offenders as aforesaid, by some proper Officer of his Majesty's Land Forces or Fleet, it shall and may be lawful for the said Justices to adjourn themselves to some other convenient day, and to give such directions as they shall think proper for securing such Offenders as aforesaid, and to cause notice to be given to any such Officer of the day and place of such adjournment: and such Officer is hereby required to attend, or appoint some other person to attend the said Justices at such Adjournment, and to receive such persons as they shall adjudge or order to be so delivered as aforesaid, in case such Officer shall approve of such person or persons, as able and proper to serve his Majesty in manner aforesaid. s. 14.

Justices may adjourn.

It shall and may be lawful for the said Justices to impose upon any Gaoler or Keeper of any House of Correction or of any Prison, who shall suffer any person committed to his custody in pursuance of this Act, to escape, or upon any Constable, Headborough, Tithingman, or Parish or Town Officer, for every wilful neglect or default in the execution of any Warrant, Order, or Precept, to them, or any of them directed in pursuance of this Act, a Fine not exceeding Ten Pounds, and to cause every such Fine to be levied by distress and sale of the Offender's Goods, rendering the overplus (if any) to the Owners, and to pay the said Fine to the Informer or Informers. s. 15.

Justices may fine gaolers and other officers for neglect of duty.

The Justices upon such Conviction as aforesaid, and delivery of such persons to such Officer or Officers receiving such persons as aforesaid, shall cause the Second and Sixth Sections of the Articles of War against Mutiny and Desertion to be read to the person so to be delivered as aforesaid, in the presence of the said Justices; and the said Justices shall tender to every such person the Oath mentioned in the Third Section of the Articles of War; and the said Justices shall and they are hereby required

How offenders delivered over to serve in the land or sea forces shall be dealt with.

forthwith to certify under their hands that such person or persons is or are ordered and adjudged to serve his Majesty, setting forth the Name, Age, Parish, and last Place of Abode of him or them respectively if known, and that the Second and Sixth Sections of the Articles of War against Mutiny and Desertion were read to him or them, and that he or they had taken the Oath mentioned in the said Articles of War, or had refused to take the said Oath; and shall deliver such Certificate, together with such Man or Men, to the said Officers or Persons appointed to receive them; and such Man or Men shall thereupon be deemed and taken to be enlisted, to all intents and purposes whatsoever, and shall and may be proceeded against as if he or they had taken the said Oath according to the said Articles of War; and the said Justices shall also forthwith cause an Entry or Memorial to be made in a Book or Books to be kept by them, or by the Clerks of the Peace of the County or Place for that purpose, of the Names of the Men so delivered as aforesaid, the Ages, Parishes, and Places of their last Abode, if they can be known, and of the Time and Place when and where such Men were delivered to the said Officers or Persons appointed to receive them, and the Names of the Officers or Persons who received them, and for what Regiment or Company, or Ship, they were so received, and shall cause true Copies or Duplicates of such Entries, attested by the said Justices, or the Clerk of the Peace, within Forty Days after the delivering such Men as aforesaid, to be transmitted into the Office of the Secretary at War, or into the Office of the Commissioners for executing the Office of Lord High Admiral. 19 G. 3. c. 69. s. 16.

Such persons shall not be discharged under five years.

And for the more effectually preventing any Frauds or Abuses that may be practised in the discharging of such persons, be it further enacted, that no person who shall be ordered and adjudged to serve his Majesty, as a Soldier or as a Sailor, by virtue of this Act, and shall have been approved of as aforesaid, shall on any account, during the term of Five Years, unless disabled within that time by an unavoidable accident or bodily infirmity, be discharged from his Majesty's Service: and any Officer of his Majesty's Land Forces, Marines, or Sea Service, who shall presume knowingly and wilfully to discharge any person so raised, levied, and delivered over as aforesaid, contrary to this Act, or shall, by false Muster or Certificate, or in consideration of a Gratuity of any kind, or by any other collusive or evasive ways or means whatsoever, suffer or permit any such person to avoid the actual Service hereby intended, every such Officer shall for

such Offence be cashiered. s. 17. Limitation of Actions, Three Months. General Issue. Treble Costs. s. 35.

Section 23. recites that by the Stat. 19 G. 2. c. 34. (which was continued by 26 G. 2. c. 32., 32 G. 2. c. 10., 4 G. 3. c. 12. 11 G. 3. c. 51., 19 G. 3. c. 69., 26 G. 3. c. 80., 28 G. 3. c. 23., s. 3. and 36 G. 3. c. 40. s. 13. and finally made perpetual by 43 G. 3. c. 157.) persons guilty of Offences under the said Act were required to surrender within a limited time, and on neglect or refusal thereof should be adjudged attainted of Felony; and that "doubts have arisen whether the Methods and Orders in the said Act directed and prescribed relative to the apprehending and harbouring the Offenders therein mentioned, or for causing such Offenders to surrender, are or were re-enacted and continued by the said several Acts;" and then "to put an end to such doubts," enacts and *declares*, "that all and every the Methods, Orders, Directions, Rules, Proclamations, Penalties, Punishments, Rewards, Matters, and Things, provided, ordered, settled, directed, imposed, given and required by the said Act [19 G. 2. c. 34.], relative to the surrender, proclaiming, apprehending, harbouring, and punishing such Offenders, was, were, and are continued and re-enacted by the said several Acts, and the same may be lawfully exercised, practised, applied, used, and imposed in regard to all and every person and persons that offend or shall in future offend against the said Act [19 G. 2. c. 34.]."

All the rules, &c. in 19 G. 3. c. 34. declared to be continued by the continuing Acts.

By Stat. 21 G. 3. c. 55. (s. 20.) it is enacted, that no Tea (exceeding 6 lbs. weight) shall at any time (save as after mentioned in the Act) be removed or carried from any part of this Kingdom not being within the limits of the Weekly Bills of Mortality or of the Chief Office of Excise in London, to any Place within the said limits; and if any Tea shall be found so removed or carried, or removed or carrying, whether with or without permit, (save as after excepted) the same, together with the canisters, bags, and other packages whatsoever, containing the same, and the Vessels and Boats, and the Horses and other Cattle and Carriages employed in removing the same, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise.

By s. 29. of 24 G. 3. st. 2. c. 47. the like power of making such Seizures and prosecuting the same, is given to Officers of the Customs.

The Statute 24 G. 3. st. 2. c. 47. enacts (s. 11), that from and after 1 October 1784, if any person or persons upon the Shore or on board any Ship, Vessel, or Boat, shall maliciously shoot at or upon any Ship, Vessel, or Boat belonging to his

If any person shall maliciously shoot at any ship belonging to the navy, &c.

or shoot at, or dangerously wound, any officer of the navy, customs, or excise, when acting in the execution of his duty,

he shall suffer death as a felon.

If any person be charged with any offence made felony by this Act, before a Justice, or Judge of the Court of King's Bench, if in England, or before one of the Lords of Justiciary, &c. if in Scotland, by information of one credible person upon oath, such Justice or Judge shall certify and return such information to one of the Secretaries of State; to be laid before His Majesty in Council;

Majesty's Navy, or in the Service of the Customs or Excise, within the Limits of any Port, Harbour, or Creek of Great Britain, or within Four Leagues from any Part of the Coast thereof; or if any person or persons being on Shore, or on board any Ship, Vessel, or Boat, shall maliciously shoot at, maim, or dangerously wound any Officer or Officers of his Majesty's Navy, or of the Customs or Excise, whether attempting to go on board or being on board, or returning from on board any Ship, Vessel, or Boat, or otherwise acting in the due Execution of his or their duty on Shore, or within the Limits of any Port, Harbour, or Creek of Great Britain, or within Four Leagues of any Part of the Coast thereof; or shall maliciously shoot at, maim, or dangerously wound any person or persons aiding and assisting such Officer or Officers in the Execution of his or their duty as aforesaid; then every person so offending, and all and every person being aiding, abetting, or assisting therein, shall, being thereof lawfully convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. See now 43 G. 3. c. 58., title ASSAULT I. and post, Statute 52 G. 3. c. 143. s. 1. 11. 12.

And, for the more easy and speedy bringing the Offenders against this Act to Justice, be it enacted, that if any person or persons shall be charged with being guilty of any of the Offences aforesaid, made Felony by this Act, before any one or more of his Majesty's Justices of the Peace, or before one of his Majesty's Justices of the Court of King's Bench, if the Offence be committed in England or Wales, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof; or before any one of the Lords of Justiciary, or the Judge of the High Court of Admiralty, or any Judge Ordinary, or Judge Admiral, Deputy or Substitute, in Scotland, if the Offence be committed within Scotland, or within the Limits of any Port of that Part of Great Britain called Scotland, or within Four Leagues of the Coast thereof, by Information of one or more credible person or persons, upon Oath by him or them to be subscribed; such Justice of the Peace, or Justice of the King's Bench, or any Lord of Justiciary, or Judge of the High Court of Admiralty, or Judge Ordinary, or Judge Admiral, Deputy or Substitute respectively, before whom such Information shall be made as aforesaid, shall forthwith certify under his Hand and Seal, and return such Information to One of the Principal Secretaries of State of his Majesty, his Heirs or Successors, who is hereby required to lay the same, as soon as conveniently

may be, before his Majesty, his Heirs or Successors, in his or their Privy Council; whereupon it shall and may be lawful for his Majesty, his Heirs or Successors, to make his or their Order in his or their said Privy Council, thereby requiring and commanding such Offender or Offenders to surrender him or themselves within the Space of Forty Days after the first Publication thereof in the London Gazette, to the Lord Chief Justice, or any other of his Majesty's Justices of the Court of King's Bench, or to any one of his Majesty's Justices of the Peace, if the Offence be committed within England or Wales, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof; or to any of the Lords of Justiciary, or Judge of the High Court of Admiralty, or Judge Ordinary, or Judge Admiral, Deputy or Substitute, in Scotland, if the Offence be committed within Scotland, or within the Limits of any Port of that Part of Great Britain called Scotland, or within Four Leagues of the Coast thereof; who is hereby required, upon such Offender or Offenders surrendering him or themselves, to commit him or them, without Bail or Mainprize, to the County Gaol, or to the Gaol or Prison of the Place where he or they shall so surrender, to the end that he or they may be forthcoming to answer the Offence or Offences wherewith he or they shall stand charged, according to due Course of Law; which Order the Clerks of his Majesty's Privy Council shall cause to be forthwith printed and published in Two successive London Gazettes, and to be forthwith transmitted to the Sheriff of the County where the Offence shall be committed, if the same shall be committed in any County; and if the Offence shall not be committed within any County, but within the Limits of any Port as aforesaid, or within Four Leagues of the Coast of any Part of Great Britain, to be transmitted to the Sheriff of any County near to the Place where such Offence shall be committed; which respective Sheriff shall, within Fourteen Days after the receipt thereof, cause the same to be proclaimed, within the Hours of Ten in the Morning and Two in the Afternoon, in the Market Places upon the respective Market Days of Two Market Towns in the same County in which or near to the Place where such Offence shall have been committed; and a true Copy of such Order shall be affixed upon some publick Place in such Market Towns; and in case such Offender or Offenders shall not surrender himself or themselves pursuant to such Order of his Majesty, his Heirs or Successors, to be made in Council as aforesaid, he or they so neglecting or refusing to surrender

who may order the offender to surrender himself to such Judge or Justice, or Lord of Justiciary, &c.

who shall commit him.

Order in Council to be published in the Gazette, and transmitted to the Sheriffs, &c.

who shall proclaim the same in two market towns.

Offenders not surrendering themselves, to suffer death as felons, &c.

Court of King's Bench, &c. to award execution against such offenders in like manner as if they had been convicted in the said court, &c.

himself or themselves as aforesaid, or escaping after such Surrender, shall, from the Day appointed for his or their Surrender as aforesaid, be adjudged, deemed, and taken to be convicted and attainted of Felony, and shall suffer Pains of Death as in Cases of a Person convicted and attainted by Verdict and Judgment of Felony without Benefit of Clergy, if the Offence be charged to have been committed within England or Wales, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof; and shall be adjudged, deemed, and taken to be convicted of a Capital Crime, and shall suffer the Pains of Death and Confiscation of Moveables, as in case of a person found guilty of a Capital Crime, and under Sentence for the same, if the Offence be charged to have been committed within Scotland, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof; and that it shall be lawful to and for the Court of King's Bench, or the Justices of Oyer and Terminer, or General Gaol Delivery, or Great Sessions for the County or Place where such person shall be, to award Execution against such Offender or Offenders, in such manner as if or they had been convicted and attainted in the said Court of King's Bench, or before such Justices of Oyer and Terminer, or General Gaol Delivery, or Great Sessions respectively, if the Offence be charged to have been committed within England or Wales, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof; and that it shall be lawful for the Court of Justiciary, or the Lords of Justiciary in their Circuits, or the Judge of the High Court of Admiralty, to award Execution against such Offender and Offenders, in such manner as if he or they had been found guilty and condemned in the said Court of Justiciary, or in the Circuit Courts respectively, if the Offence shall be charged to have been committed within Scotland, or within the Limits of any of the Ports thereof, or within Four Leagues of the Coast thereof. 24 G. 3. st. 2. c. 47. s. 12.

Persons harbouring such offenders after the time appointed for their surrender, and being prosecuted within a year after,

All and every person and persons who shall after the time appointed as aforesaid for the surrender of any person or persons so charged upon Oath with any of the Offences aforesaid, shall be expired, harbour, receive, conceal, aid, abet, or succour such person or persons, knowing him or them to have been so charged as aforesaid, and to have been required to surrender him or themselves by such Order or Orders as aforesaid, and not to have surrendered pursuant to such Order or Orders, being prosecuted for the same within One Year after the Offence com-



mitted, and lawfully convicted thereof, shall be guilty of Felony, and shall be transported as a Felon or Felons for the space of Seven Years, in the same manner as Felons are or shall be appointed to be transported by virtue of any Act or Acts already made or hereafter to be made touching the Transportation of Felons; and if any such Offender or Offenders shall be found at large within Great Britain before the Expiration of the said Term without lawful Cause, he, she, or they shall suffer Death as Felons, and have Execution awarded against him, her, or them, as persons attainted of Felony without Benefit of Clergy. s. 13.

shall, on conviction, be guilty of felony, and be transported for seven years.

Provided nevertheless, that nothing herein contained shall be construed to prevent or hinder any Judge, Justice of the Peace, Magistrate, Officer, or Minister of Justice whatsoever, from taking, apprehending, and securing such Offender or Offenders against whom such Information shall be given, and for requiring whose Surrender such Order in Council shall be made as aforesaid, by the ordinary Course of Law; and in case such Offender or Offenders, against whom such Information and for requiring whose Surrender such Order in Council shall be made as aforesaid, shall be taken and secured, in order to be brought to Justice, before the time shall be expired within which he or they shall be required to surrender him or themselves by such Order in Council as aforesaid; that then and in such Case no further Proceeding shall be had upon such Order made in Council against him or them so taken and secured as aforesaid, but he or they shall be brought to Trial by due Course of Law; any thing herein contained to the contrary in anywise notwithstanding. s. 14.

Not to prevent any Judge, Justice, &c. from apprehending such offenders by the ordinary course of law.

And be it further enacted by the Authority aforesaid, that from and after the First Day of October One thousand seven hundred and eighty-four, if any Officer or Officers of his Majesty's Navy, or in the Service of the Customs or Excise, being on Shore, or going on board or being on board or returning from on board any Ship, Boat, or Vessel, within the Limits of any of the Ports of this Kingdom, or within Four Leagues from the Coasts thereof [or within the Distance hereafter particularly specified], shall be hindered, opposed, obstructed, or assaulted in the due execution of his or their Office or Duty, by any person or persons whatsoever, either in the Day-time or Night; [or if any person or persons acting in the Aid or Assistance of any such Officer or Officers shall be so hindered, opposed, obstructed, or assaulted]; all and every person or persons so hindering, oppos-

Persons obstructing officers of the Navy, &c. in the execution of their duty,

may be carried  
before a Justice,

who may com-  
mit them.

Penalty on  
conviction.

Persons charged  
with obstructing  
officers, whose  
offence falls  
within the pro-  
visions of  
19 G. 3. c. 69.  
may be com-  
mitted until the  
next Quarter  
Sessions, &c.

ing, obstructing or assaulting the said Officer or Officers in the due execution of his or their Duty, [or so hindering, opposing, obstructing, or assaulting any other person or persons acting in the Aid or Assistance of such Officer or Officers], and all such as shall act in his or their Aid or Assistance, shall and may be carried and conveyed before one or more of his Majesty's Justices of the Peace residing near to the Place where such Offence shall be committed; and such Justice or Justices shall, if he or they see cause, commit such person or persons to the next County Gaol, there to remain until the next Court of Oyer and Terminer, Great Session, or Gaol Delivery, or until such person shall be delivered by due course of Law; and in case an Indictment shall be found against him or them, he or they shall plead thereto without having time to traverse the same, as is usual in cases of Misdemeanors; and being duly convicted thereof, shall, by order of the said Court before whom such Offender shall be convicted, be sentenced to Hard Labour on the River Thames, or other navigable River in that Part of Great Britain called England, for any Term not exceeding Three Years, according to the Directions of an Act passed in the Nineteenth Year of his present Majesty [19 G. 3. c. 74.], and as is by the said Act directed for the Punishment of Persons convicted of Grand Larceny; or such Court may order such Offender to be committed to the Common Gaol or House of Correction, for any term not exceeding Three Years. 24 G. 3. st. 2. c. 47. s. 15. (1)

Provided always, that in case any person shall be brought before any Justice of the Peace, being charged with having hindered, opposed, obstructed, or assaulted any Officer of the Navy, Customs, or Excise, contrary to this Act, and it shall appear that the Offence with which such person is charged falls within the Provisions of an Act passed in the Nineteenth Year of his Majesty's Reign [19 G. 3. c. 69.]; it shall and may be lawful for such Justice if he thinks fit, instead of proceeding against such Offender according to the Provisions of this Act, to commit such Offender to the County Gaol until the next Quarter Sessions of the Peace; and in that case every such Offender shall be tried and punished as by the said last recited Act is directed, and not otherwise. s. 16.

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(1) The Statute 34 G. 3. c. 50. s. 5. recites the foregoing section, and that "doubts had arisen upon the true meaning of certain parts thereof," and then enacts the clause, with the exception of the words between brackets being inserted in the latter, and not in the former act.

And for the speedy and impartial Trial of any Offence which by this Act is declared to be a Felony or Misdemeanor, be it enacted, that every such Offence, in case the same shall be committed within England, Wales, or the Town of Berwick-upon-Tweed, or within the Limits of any of the Ports thereof, or within Four Leagues of any Part of the Coasts thereof, shall and may be enquired of, examined, tried, and determined before any Court or Courts of Oyer and Terminer, Great Session, or Gaol Delivery, in any County within that Part of Great Britain called England, or the Dominion of Wales, in such Manner as if the Fact had been actually committed within such County; any Law, Usage, or Custom to the contrary in anywise notwithstanding. s. 17.

Offences committed in England and Wales where to be tried.

In case any offence, which by this Act is declared to be a Felony or Misdemeanor, shall happen to be committed in that Part of Great Britain called Scotland, or within the Limits of any Port thereof, or within Four Leagues of the Coasts of the same, Information of such Offence may be given to any Justice of Peace, Judge Ordinary, or Judge Admiral, Depute or Substitute, residing nearest the Place where such Offence may have been committed, who, if he shall see cause, may and shall grant a Warrant for committing the Person or Persons complained of to the Common Gaol of the County, City, Borough, or Place, there to lie until he is liberated in due course of Law; and such Person or Persons shall and may be tried before the Court of Justiciary or Circuit Courts, or before the Judge of the High Court of Admiralty at Edinburgh; or in case the Offence be only such as is punishable by hard Labour or Imprisonment, the same may be tried before the Judge Ordinary of the County or Place where the Warrant was granted. s. 18.

Directions relative to offences committed in Scotland.

Where any Person or Persons shall, by virtue of this present Act, be arrested and taken before any one of his Majesty's Justices of the Peace, for any Offence against this Act deemed a Misdemeanor, such Person or Persons shall in no case be admitted to Bail, unless he shall first enter into a Recognizance, with two sufficient Sureties, to his Majesty, his Heirs and Successors, in the Sum of Two hundred Pounds, and the said Sureties in One hundred Pounds each, with Condition that such Person or Persons shall appear at the then next ensuing Court of Oyer and Terminer, General Gaol Delivery, or Great Sessions, to be holden for such County for which the Justice before whom he shall be brought shall act, and answer and plead to any Indictment which may be found at or before such Court for such Misdemeanor; and such Recognizance shall forthwith

Persons taken before a Justice for a misdemeanor, not to be admitted to bail without entering into a recognizance for their appearance, &c.

be transmitted to the Clerk of Assise, or other proper Officer of the Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, for such County as aforesaid. 24 G. 3. st. 2. c. 47. s. 19.

If suspected vessels shall not bring to, when chased by any cutter in the service of the navy, having the proper pendant hoisted, &c. the commander may shoot into them;

In case any Ship or Vessel, liable to Seizure or Examination by this or any other Act of Parliament in force, shall not bring to, on being required so to do, or being chased by any Cutter or other Vessel in the Service of his Majesty's Navy, having the proper Pendant and Ensign of his Majesty's Ships hoisted, or in the Service of his Majesty's Revenue of the Customs or Excise, such Cutter or other Revenue Vessel having a Pendant and Ensign hoisted with such Marks thereon as are now used and worn by Vessels in the Service of the Revenues of Customs and Excise, in a Blue Field; it shall and may be lawful for the Captain or Master, or other Person having the Charge or Command of such Cutter or other Vessel, in the Service of his Majesty's Navy, Customs, or Excise, to shoot at or into such Ship or Vessel which shall not bring to, after such Colours shall be so hoisted as aforesaid, and a Gun shall have been fired by such Cutter or Vessel as a Signal; and such Captain or other Officer, and every Person acting in his Aid and Assistance, or by his Direction, shall be and is hereby indemnified and discharged from any Penalties or Actions for Damages for so doing: and in case any person or persons shall be wounded, maimed, or killed by or by means of such firing, and the said Officer or Officers, or other Person acting in his or their Aid or Assistance, or by his or their Direction, shall be sued, molested, or prosecuted, or shall be brought before any of his Majesty's Justices of the Peace, or other Justices or Persons having competent Authority, for or on account of such wounding, maiming or killing as aforesaid, all and every such Justice or Justices, Person or Persons, is and are hereby authorized and empowered, enjoined and required, to admit every such Officer and Officers, Person and Persons, so brought before him or them as aforesaid, to bail; any Law, Usage, or Custom to the contrary notwithstanding. s. 23.

and if he be prosecuted in consequence thereof, he and his aiders shall be admitted to bail.

Officers making any collusive seizure, or agreeing not to seize any ship or goods, or taking any bribe,

From and after the said First Day of October 1784, if any Officer of his Majesty's Navy, Customs, or Excise, shall make any collusive Seizure, or shall deliver up, or shall make any Agreement to deliver up, or not to seize any Ship or Vessel, or any Goods liable to Forfeiture by this or any other Act of Parliament, or shall directly or indirectly take or receive any Bribe, Gratuity, Recompence, or Reward, for the neglect or non-performance of his Duty, every such Officer therein offending shall, for

each and every Offence, forfeit the Sum of Five hundred Pounds, and be rendered incapable of serving his Majesty in any Office or Employment, Civil or Military; and if any Person or Persons whatsoever shall give, offer, or promise to give, any Bribe, Recompence, or Reward to, or make any collusive Agreement with, any Officer of the Navy, Customs, or Excise, to do, conceal, or connive at any Act whereby any of the Provisions made by this or any other Act of Parliament relative to his Majesty's Customs or Excise, may be evaded or broken, every such person or persons shall, for each and every such Offence (whether the same Offer, Proposal, Promise, or Agreement be accepted or performed or not), forfeit the Sum of Five hundred Pounds.

s. 32.

shall forfeit £500, and be incapacitated; and every person giving or offering such bribe, shall forfeit £500.

The Statute 45 G. 3. c. 121. for the more effectual prevention of Smuggling, enacts, that if any person or persons whatsoever shall by Force or Violence assault, resist, oppose, molest, obstruct or hinder any Officer of his Majesty's Army, Navy, or Marines, or any Officer in the Service of the Customs or Excise, or any Person or Persons aiding or assisting in the due Execution of the Powers and Authorities by this Act given or granted, such person or persons being thereof convicted by due course of Law, shall be adjudged a Felon, and shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or Common Gaol and kept to hard Labour for any Term not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid; or if any person or persons shall maliciously shoot at or upon any Ship, Vessel, or Boat belonging to His Majesty's Navy, or in the Service of the Customs or Excise, in any Part of the British or Irish Channels, or elsewhere on the High Seas, within One hundred Leagues of any Part of the Coasts of Great Britain or Ireland, or if any person or persons shall maliciously shoot at, maim, or dangerously wound any Officer or Officers of his Majesty's Army, Navy, or Marines, or of the Customs or Excise, or any Person or Persons aiding or assisting such Officer or Officers, whether attempting to go on board or being on board, or returning from on board any Ship, Vessel, or Boat, or otherwise acting in the due Execution of his or their Duty under any of the Powers, Authorities, or Provisions of this Act; every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being thereof lawfully convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon, without Be-

Persons assaulting, resisting, or shooting at officers of army, navy, customs, or excise, guilty of felony.

Shooting at such officers, felony without clergy.

benefit of Clergy. s. 11. See now stat. 43 G. 3 c. 58. under title ASSAULT I. and post stat. 52 G. 3. c. 143. s. 1, 11, 12.

Where offences shall be tried.

Every Offence made Felony by this Act, committed within any Port, Harbour, Creek, Haven, or Roadstead of either of the said Islands of Guernsey, Jersey, Alderney, or Sark, may and shall be inquired of, examined, tried, and determined in the said Islands; and every Offence committed elsewhere out of the United Kingdom, may be inquired of, examined, tried, and determined in any County of the United Kingdom; and every such Offence committed within England, Scotland or Ireland respectively, may be inquired of, examined, tried, and determined within any County of that Part of the said United Kingdom in which such Offence shall have been committed, in such Manner and Form as if the Offence had been committed in the County in which the same shall be inquired of, tried, and determined. s. 12.

Persons making signals to smugglers by fire, smoke, &c. or otherwise, declared guilty of a misdemeanor.

The Statute 47 G. 3. st. 2. c. 66. "for the more effectual prevention of Smuggling," enacts (s. 34.), that from and after the passing of this Act, no Person or Persons shall, after Sunset and before Sun-rise between the 21st of September and 1st April, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning between the last Day of March and the 22d Day of September, make or aid or assist in the making, or be present for the Purpose of aiding or assisting in the making, any Light, Fire, Flash, or Blaze, or any Signal by Smoke, or by any Rocket, Fire-works, Flags, firing of any Gun or other Fire-arms, or any other Contrivance or Device, in or on board or from any Ship, Vessel, or Boat, or on or from any Part of the Coast or Shores of Great Britain, or within Six Miles of any Part of such Coast or Shores, for the purpose of making or giving any Signal to any Person or Persons on board any Smuggling Ship, Vessel, or Boat, whether such Person or Persons so on board of such Ship, Vessel, or Boat be or be not within Sight or Distance to see or hear any such Light, Fire, Flash, Blaze or Signal; and if any Person or Persons shall, contrary to the true Intent and Meaning of this Act, make or cause to be made, or aid or assist in the making, or be present for the Purpose of aiding or assisting in making any such Light, Fire, Flash, Blaze, or Signal, such Person or Persons so offending shall be guilty of a Misdemeanor, and it shall be lawful for any Officer or Officers of the Customs or Excise, or any other Person or Persons, to stop, arrest, and detain the Person or Persons who shall so make, or aid or assist in the making, or who shall be present for the Purpose of aiding or



assisting in making any such Light, Fire, Flash, Blaze or Signal, and to carry and convey such Person or Persons so offending as aforesaid, before any one or more of his Majesty's Justices of the Peace residing near to the Place where such Offence shall be committed, who, if he or they see cause, shall commit the Offender or Offenders to the next County Gaol, there to remain until the next Court of Oyer and Terminer, Great Session, or Gaol Delivery, or until such Person or Persons shall be delivered by due Course of Law : And in case an Indictment shall be found or Information filed against him or them, he or they shall forthwith plead thereto, and shall be tried thereon without having time to traverse the same, as is usual in cases of Misdemeanors ; and it shall not be necessary to prove in any such Indictment or Information, that any Ship, Vessel, or Boat was actually hovering or off the Coast or Shore, or found or discovered to have been within any Limits or Distances mentioned in this Act, or any Act or Acts passed for the Prevention of Smuggling, and the Offender or Offenders being duly convicted thereof, shall by Order of the Court before whom such Offender or Offenders shall be convicted, either forfeit and pay the Penalty or Forfeiture of One hundred Pounds, or at the Discretion of such Court, be sentenced to or committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any term not exceeding One Year.

Provided always, that in case any Person or Persons be charged with or indicted for having made or caused to be made, or been aiding or assisting in making, or been present for the Purpose of so making or aiding or assisting in making, or giving any such Light, Fire, Flash, Blaze, or Signal as aforesaid, the burthen of Proof that such Light, Fire, Flash, Blaze, Noise, or other Thing so charged as having been made with Intent and for the Purpose of giving such Signal as aforesaid, was not made with such Intent and Purpose, shall be upon the Defendant against whom such Charge is made, or such Indictment is found. s. 35.

When any person or persons shall be arrested, and taken before any one or more of his Majesty's Justices of the Peace in Great Britain, for any Offence against this Act or against the said Acts [42 G. 3. c. 82. and 45 G. 3. c. 121.], such person or persons shall in no case be admitted to Bail unless he, she, or they shall first enter into a Recognizance, with two sufficient Sureties, to his Majesty, his Heirs and Successors, in £200, and the said Sureties in £100 each, to appear at the then next ensuing Court of Oyer and Terminer, General Gaol Delivery, or Great Ses-

How such offenders may be bailed.

sion, or General Quarter Sessions of the Peace, to be holden for the County or Place where such Offender or Offenders shall be arrested or taken, to answer and plead to any Indictment or Indictments which may be found at such Court of Oyer and Terminer and Gaol Delivery, or Great Session, or Quarter Session, for such Misdemeanor; and such Recognizance shall be forthwith transmitted to the Clerk of Assise, or other proper Officer of the Court of Oyer and Terminer, Gaol Delivery, or Great Sessions respectively, or to the Clerk of the Peace for such County or Place as aforesaid, as in the respective cases may be proper. 47 G. 3. st. 2. c. 66. s. 36.

Any person may enter lands and extinguish signals.

It shall be lawful for any person whatsoever to put out and extinguish any such Light, Fire, or Blaze, or any Smoke, Signal, Rocket, Fire-work, or other Contrivance or Device so made as aforesaid; and to enter and go into and upon any Lands for that purpose, without being liable or subject to any Indictment, Suit, or Action for the same. s. 37.

Proceedings to be had when defendants are prosecuted in K. B. in England.

Provided, that when any person or persons shall be prosecuted in his Majesty's Court of King's Bench in England, for any Offence against this Act, or either of the said Acts of 42 and 45 G. 3., such Proceedings may be had with respect to such person or persons, as may now be had by virtue of 45 G. 3. c. 10. s. 41. with respect to persons prosecuted in the said Court for Offences committed against the said Act. s. 40.

The 44th Section enables Justices of the Peace to take Cognizance of Offences against the Laws of Customs and Excise, "under this or the *said* Act" (1), committed on the High Seas.

The Court of K. B. may take cognizance of offences against the customs or excise committed on the high seas.

The Statute 48 G. 3. c. 84. for amending and rendering the last-mentioned Act more effectual, enacts (s. 8.), that from and after the passing of this Act, in all cases in which his Majesty's Court of King's Bench, or any Justice or Justices of Oyer and Terminer, or Gaol Delivery, are empowered to take Cognizance of any Assault or Obstruction of any Officer or Officers of the Customs or Excise, Army, Navy, or Marines, or of any Felony or other Offence against or of any Forfeiture incurred under any Act or Acts of Parliament now in force or hereafter to be made relating to the Revenue of Customs or Excise, it shall be lawful for the said Court of King's Bench, and for such Justice or Justices of Oyer and Terminer, or Gaol Delivery, for any County, City, Town, or Place, respectively, to take Cognizance of such Assaults or Obstructions, Felonies, Offences, or Forfeitures, as if the same Assaults or Obstructions, Felonies

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(1) Several Statutes are mentioned in this Act.

or Offences, had been committed, or the same Forfeiture or Forfeitures had been incurred, on Land within the respective Jurisdictions of the said Court or Justices.

By s. 9, all persons being subjects of his Majesty who shall, after 1 August 1808, voluntarily and without his Majesty's Licence, or the Licence of his Majesty's Privy Council, or of one of his Majesty's Principal Secretaries of State, or of the First Lord of the Admiralty, or other sufficient lawful Authority, and without any sufficient excuse for the same, proceed and sail in any Ship, Vessel, or Boat, to any Road or Harbour upon the Coast of any of his Majesty's Enemies, or shall be found in any Ship, Vessel, or Boat lying on the Coast, or in any Road or Harbour of any Country belonging to his Majesty's Enemies, without any such Licence or Authority, or sufficient Excuse as aforesaid, or under the Protection of any Batteries or other Force on such Coasts, or under the Protection of any Vessel belonging to his Majesty's Enemies, having on board, or having had on board on such Voyage, or being in such Harbour or upon such Coast, or under the Protection of such Batteries, with intent to take on board, any Spirits, Tea, Tobacco, or Snuff, shall be deemed guilty of Felony, and shall be liable to be transported for any term not exceeding seven years.

Persons found in non-licensed vessels, having or having had on board spirits, tea, tobacco, and snuff, guilty of felony.

Any such Offence as last aforesaid may be alledged, laid, enquired of, and tried in any County, Shire, or Stewartry of this Realm. s. 10.

Such offences may be tried in any county.

By s. 7. the 20th section of 9 G. 2. c. 35. as to seizing Spirits and Tea offered for Sale by persons not having Permits, and by Hawkers, Pedlars, and Persons going from House to House, is repealed; and then reciting, that it is expedient that more effectual Provision be made in relation thereto, enacts, that from and after the passing of this Act if any person shall offer for Sale any Tea, Brandy, Rum, Geneva, or other Foreign Spirits, or any Tobacco or Snuff, not being licensed to deal therein, and not having a Permit for the same; or if any Hawker, Pedlar, Petty Shopman, or other trading person or persons, going from Town to Town, or to other Men's Houses, and trading either on Foot or with any Horse or Horses, or other Cattle, or otherwise, within the Kingdom of Great Britain, shall offer for Sale any Tea, Brandy, Rum, Geneva, or other Spirits, or any Tobacco or Snuff, although he shall have a Permit for the same, it shall be lawful for the person or persons to whom the same shall be so offered

Stat. 9 G. 2. c. 35. s. 20. repealed.

Unlicensed persons offering for sale tea or other spirits, tobacco, or snuff, how punishable.

for Sale, to stop, arrest, and detain the person so offering the same for Sale, and to seize all such Tea, Brandy, Rum, Geneva or other Spirits, Tobacco or Snuff, and carry the same to the next Warehouse belonging to the Customs or Excise; and to carry the person so offering the same for Sale before any one of his Majesty's Justices of the Peace, who may thereupon require such person to enter into Recognizance in manner directed by the said Act [45 G. 3. c. 121. s. 2.]; and such person shall thereupon be subject to all the Provisions in the said Act contained, in relation to Recognizances taken from persons seized as Smugglers; and if the Offender shall be a Subject of his Majesty, and a Seaman or Seafaring Man, and capable of serving in his Majesty's Navy, may send such person to the custody of some Officer of the Impress Service, by him to be dealt with according to the said recited Act of the last Session of Parliament [47 G. 3. st. 2. c. 66.], or otherwise to be by such Justice committed to Prison, and prosecuted for the Penalties and Forfeitures incurred for such Offence.

Offenders may  
be bailed.

In case any person shall be committed for *any Offence* against this Act to any Common Gaol or Place, there to remain till delivered by due course of Law, it shall be lawful for any of the Justices of his Majesty's Courts at Westminster, or for any of the Barons of the Exchequer being of the degree of the Coif, or for the Lord Justice Clerk, or any of the Commissioners of Justiciary in Scotland, if upon Application made he shall think it reasonable, to admit such person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters wherewith he or she shall be charged. s. 11.

In all offences  
against revenue  
laws, now being  
capital, clergy  
shall be allowed,  
unless it is taken  
away by this Act.

The Statute 52 G. 3. c. 143. intituled "An Act for amending and reducing into One Act, the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting his Majesty's Revenue in Great Britain," recites that "it is expedient, that the Provisions contained in any Laws now in force, for collecting his Majesty's Revenue in Great Britain, whereby the Penalty of Death is imposed for any Act done in breach of or in resistance to the said Laws, or any of them, should be amended and reduced into one Act;" and then enacts, that in all cases where any Act to be done or committed after the passing of this Act, in breach of or in resistance to any Part of the Laws for collecting his Majesty's Revenue in Great Britain, would by the Laws now in force subject the Offender to suffer Death, as guilty of Felony without Benefit of Clergy, by virtue

of the said Laws, or any of them, such Act, so to be done or committed, shall be deemed and taken to be Felony with Benefit of Clergy, and punishable only as such, unless the same shall also be declared to be Felony without Benefit of Clergy by this Act. s. 1.

And be it *declared* and enacted, that if any Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any other Officer or Person whatsoever employed by or under the Post Office of Great Britain, in receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, shall, after the passing of this Act, secrete, embezzle, or destroy any Letter or Packet, or Bag or Mail of Letters, with which he or she shall have been entrusted in consequence of such Employment, or which shall in any other manner have come to his or her hands or possession whilst so employed, containing the whole or any part or parts of any Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, South Sea or East India Bond, Dividend Warrant either of the Bank, South Sea, East India, or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment on any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends, or for selling Stock in the Funds, or belonging to any Company, Society, or Corporation, American Provincial Bill of Credit, Goldsmith's or Banker's Letter of Credit, or Note for or relating to the Payment of Money, or other Bond or Warrant, Draught, Bill, or Promissory Note whatsoever for the Payment of Money; or shall steal and take out of any Letter or Packet with which he or she shall have been so entrusted, or which shall have so come to his or her hands or possession, the whole or any part or parts of any such Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, South Sea or East India Bond, Dividend Warrant either of the Bank, South Sea, East India, or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment of any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends, or for selling Stock in the Funds, or belonging to any Company, Society, or Corporation, American Provincial Bill of Credit, Goldsmith's or Banker's Letter of Credit or Note for or relating to the Payment of Money, or

Offences of persons employed by the Post Office, in receiving, secreting, &c. letters.

other Bond or Warrant, Draught, Bill, or Promissory Note whatsoever for the Payment of Money; every person so offending, being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. 52 G. 3. c. 143. s. 2.

Offences in stealing letters, &c. from any carriage, or out of any post office, &c.

And be it further *declared* and enacted, that if any person shall, after the passing of this Act, steal and take from any Carriage, or from the possession of any person employed to convey Letters sent by the Post of Great Britain, or from or out of any Post Office or House or Place for the receipt or delivery of Letters or Packets, or Bags or Mails of Letters sent or to be sent by such Post, any Letter or Packet, or Bag or Mail of Letters sent or to be sent by such Post, or shall steal and take any Letter or Packet out of any such Bag or Mail, every person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy; and such Offences shall and may be enquired of, tried, and determined either in the County where the Offence shall be committed, or where the Party shall or may be apprehended. s. 3.

Accessories to offences relating to the Post Office.

And be it further declared and enacted, that if any person shall, after the passing of this Act, counsel, command, hire, persuade, procure, aid, or abet any such Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any Officer or Person whatsoever employed by or under the said Office, in receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, to commit any of the Offences herein-before mentioned, or shall, with a fraudulent intention, buy or receive the whole or any part or parts of any such Security or Instrument as herein-before described, which shall have been contained in, and which, at the time of buying or receiving thereof, he or she shall know to have been contained in any such Letter or Packet so secreted, embezzled, stolen, or taken by any Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any other Officer or Person so employed as aforesaid, or which such Person, so buying or receiving as aforesaid, shall at the time of buying or receiving thereof know to have been contained in and stolen and taken out of any Letter or Packet stolen and taken from or out of any Mail or Bag of Letters sent and conveyed by such Post, or from or out of any Post Office or House, or Place for the Receipt or Delivery of Letters or Packets, or Bags or Mails of Letters sent or to be sent by such Post; every Person so offend-



ing, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy, and shall and may be tried, convicted, and attainted of such Felony, as well before as after the Trial or Conviction of the principal Felon, and whether the said principal Felon shall have been apprehended or shall be amenable to Justice or not. s. 4.

And be it further declared and enacted, that if any Person shall, after the passing of this Act, make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, the Mark or Hand of the Receiver of the Prefines at the Alienation Office, upon any Writ of Covenant, whereby such Receiver or any other Person shall or may be defrauded, or suffer any Loss thereby; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. s. 5.

Forgery relating to the Alienation Office.

And be it further declared and enacted, that if any Person shall, after the passing of this Act, forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering any Contract, Assignment, Certificate, Receipt, or attested Copy of any Certificate made out or purporting to be made out by any person or persons authorized to make out the same by any Act of Parliament touching the Redemption or Sale of the Land Tax, or of any Part thereof; or if any person shall wilfully utter any such forged, counterfeited, or altered Contract, Assignment, Certificate, Receipt, or attested Copy of Certificate, knowing the same to be forged, counterfeited, or altered, with intent to defraud his Majesty, his Heirs or Successors, or any Body or Bodies Politic or Corporate, or other Person or Persons; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. s. 6.

Forgery of certificates for the redemption or sale of the land tax.

And be it further declared and enacted, that if any Person shall, after the passing of this Act, forge or counterfeit, or cause or procure to be forged or counterfeited, any Mark, Stamp, Die, or Plate, which in pursuance of any Act or Acts of Parliament shall have been provided, made, or used by or under the Direction of the Commissioners appointed to manage the Duties on stamped Vellum, Parchment and Paper, or by or under the Direction of any other person or persons legally authorized in that Behalf, for expressing or denoting any Duty or Duties, or any Part thereof, which shall be under the Care and Management

Forgeries relating to stamp duties.

of the said Commissioners, or for denoting or testifying the Payment of any such Duty or Duties, or any Part thereof, or for denoting any Device appointed by the said Commissioners for the Ace of Spades, to be used with any Playing Cards; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, the Impression, or any Resemblance of the Impression, of any such Mark, Stamp, Die, or Plate as aforesaid, upon any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material; or shall stamp or mark, or cause or procure to be stamped or marked, any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material, with any such forged or counterfeited Mark, Stamp, Die, or Plate as aforesaid, with Intent to defraud his Majesty, his Heirs or Successors, of any of the Duties, or any Part of the Duties, under the Care and Management of the said Commissioners; or if any Person shall utter or sell, or expose to sale, any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material, having thereupon the Impression of any such forged or counterfeited Mark, Stamp, Die, or Plate, or any such forged or counterfeited impression as aforesaid, knowing the same respectively to be forged or counterfeited; or if any Person shall privately or secretly, use any such Mark, Stamp, Die, or Plate, which shall have been so provided, made, or used by or under such Direction as aforesaid, with Intent to defraud his Majesty, his Heirs or Successors, of any of the Duties, or any Part of the Duties under the Care and Management of the said Commissioners; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. 52 G. 3. c. 143. s. 7.

Forgeries of  
stamps on  
wrought plate  
of gold or silver,  
&c.

And be it further declared and enacted, that if any person shall, after the passing of this Act, transpose or remove, or cause or procure to be transposed or removed, from one Piece of Wrought Plate of Gold or Silver to another, or to any Vessel or Ware of base Metal, any Impression made with any Mark, Stamp, or Die, provided, made, or used by or under the Direction of the said Commissioners of Stamps, or by or under the Direction of any other person or persons legally authorized in that Behalf, for denoting any Duty or Duties, or the Payment of any Duty or Duties, granted to his Majesty on Gold or Silver Plate; or shall stamp or mark, or cause or procure to be stamped or marked, any Vessel or Ware of base Metal with any Mark, Stamp, or Die, which shall have been forged or counterfeited in imita-

tion of or to resemble any Mark, Stamp, or Die so provided, made, or used as aforesaid ; or shall sell, exchange, or expose to sale, or export out of Great Britain, any Wrought Plate of Gold or Silver, or any Vessel or Ware of base Metal, having thereupon the Impression of any forged or counterfeited Mark, Stamp, or Die, for denoting any such Duty or Duties, or the Payment of any such Duty or Duties, or any forged or counterfeited Impression of any Mark, Stamp, or Die so provided, made, or used as aforesaid, or any Impression of any such Mark, Stamp, or Die, which shall have been transposed or removed from any other Piece of Plate as aforesaid, knowing the same respectively to be forged or counterfeited, or transposed or removed as aforesaid ; or shall wilfully and without lawful Excuse (the Proof whereof shall lie on the Person accused) have or be possessed of any such forged or counterfeited Mark, Stamp, or Die, for denoting any such Duty or Duties, or the Payment thereof ; every person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. 52 G. 3. c. 143. s. 8.

If any person (not being lawfully appointed or authorized so to do) shall make or cause or procure to be made, or shall knowingly aid or assist in the making, or without being so appointed or authorized as aforesaid, shall knowingly have in his, her, or their Custody or Possession, without lawful excuse (the proof whereof shall lie on the person accused), any Frame, Mould, or Instrument, for the making of Paper with the Words ' Excise Office,' visible in the Substance of such Paper, or shall make, or cause or procure to be made, or knowingly aid or assist in the making any Paper, in the Substance of which the Words ' Excise Office' shall be visible ; or if any person (except as before excepted) shall by any Art, Mystery, or Contrivance, cause or procure the said Words ' Excise Office' to appear visible in the Substance of any Paper whatever ; or if any person (not being so appointed or authorized as aforesaid) shall engrave, cast, cut, or make, or shall cause or procure to be engraven, cast, cut, or made, any Mark, Stamp, or Device, in imitation of or to resemble any Mark, Stamp, or Device made or used by the Direction of the Commissioners of Excise in England or Scotland, or the major Part of them respectively, for the purpose of printing, stamping, or marking of any Paper to be used as or for a Permit or Permits, to accompany any exciseable Commodity or Commodities removing or removed from one Part of Great Britain to any other Part thereof, in pursuance of

Making frames used in the making of paper, relating to the excise.

the Directions of any of the several Statutes requiring such Permit; every person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. s. 9.

Forging debentures for return of money from duties of customs or excise.

And be it further declared and enacted, that if any person shall, with intent to defraud his Majesty, falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly assist in falsely making, forging, counterfeiting, or altering any Debenture, or any Certificate for the Payment or Return of any Money, or any Part of any such Debenture or Certificate, or any Signature thereon, in any Case in which such Debenture or Certificate is by any Act or Acts of Parliament relating to the Duties of Customs or Excise required or directed to be given or granted; or shall wilfully, with such intent as aforesaid, utter, publish, or make use of any such Debenture or Certificate, or Part thereof, so being wholly or in part falsely made, forged, counterfeited, or altered; every person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. 52 G. 3. c. 143. s. 10.

Assisting with arms in the illegal exportation of wool or other goods, or in opposing the revenue laws, &c.

And be it further declared and enacted, that if any persons, to the number of Three or more, armed with Fire Arms or other offensive Weapons, shall hereafter within Great Britain, or within the Limits of any Port, Harbour, or Creek thereof, or within the Isle of Man, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal Exportation of Wool or other Goods prohibited to be exported; or in the carrying of Wool or other such Goods in order to such Exportation; or in the illegal running, landing, or carrying away prohibited or uncustomed Goods, or Goods liable to pay any Duties which shall not have been paid or secured; or in the illegal relanding of any Goods whatsoever, which shall have been shipped or exported upon Debenture or Certificate, or from any Warehouse wherein such Wool or other Goods shall have been deposited under any Act of Parliament for the securing the Home Consumption Duties thereon; or in rescuing or taking away any such Wool or other Goods as aforesaid after Seizure from any Officer or Officers of the Customs or Excise, or other Officer or Officers authorized to seize the same, or other person or persons employed by him or them, or assisting him or them, or from the Place where the same shall have been lodged by him or them; or in rescuing any person who shall have been apprehended

for any of the Offences made Felony by any Act relating to the Revenues of Customs or Excise of Great Britain, or in preventing the apprehending any person who shall have been guilty of any such Offence; or in case any persons, to the number of Three or more, so armed as aforesaid, shall hereafter within Great Britain, or within the Limits of any Port, Harbour, or Creek thereof, or within the Isle of Man, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting; or if any person shall maliciously shoot at or upon any Ship, Vessel, or Boat belonging to his Majesty's Navy, or in the Service of the Customs or Excise within the Limits of any Port, Harbour, or Creek of Great Britain, or within the Isle of Man, or within the Limits of any Port, Harbour, or Creek thereof, or in any Port of the British or Irish Channels, or on the High Seas within One hundred Leagues of the Coast of Great Britain or Ireland; or if any person shall, either on Shore or on the Water, within the Limits last aforesaid, maliciously shoot at, maim, or dangerously wound any Officer or Officers of his Majesty's Army, Navy, Marines, Militia, or Volunteers, or any other his Majesty's Military or Naval Forces, or of the Customs or Excise, or any other person or persons aiding or assisting any such Officer or Officers when acting in the due Execution of his or their Duty under any of the Powers, Authorities, and Provisions of any Act relating to the Revenues of Customs or Excise of Great Britain, or of any Act for the Prevention of Smuggling; every person so offending, and every person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy; and every such Offence which shall be committed within any Port, Harbour, Creek, Haven, or Roadstead of Guernsey, Jersey, Alderney, Sark, or Man respectively, the same may and shall be enquired of, tried, and determined in the said Islands respectively; and every such Offence committed elsewhere out of the United Kingdom may and shall be enquired of, tried, and determined in any County of the United Kingdom; and every such Offence committed within England, Scotland, or Ireland respectively, may and shall be enquired of, tried, and determined within such Part of the said United Kingdom in which such Offence shall have been respectively committed, but (1) in any County or Shire of such Part of the said

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(1) Here appears to be some inaccuracy in the wording of the clause.

United Kingdom, in such Manner and Form as if the Offence had been committed in the County or Shire in which the same shall be enquired of, tried, and determined. s. 11.

Proceedings in cases of shooting or wounding, &c. in cases relating to the exportation of wool, &c.

If any person shall be charged by Information on Oath before any Justice of the Peace, or other person competent to take such Information in any part of the United Kingdom, with being guilty of so assembling, aiding, or assisting, or of so maliciously shooting, maiming, or wounding as aforesaid, within the Limits herein-before respectively specified, in any case wherein any such Officer as aforesaid, or any person aiding or assisting any such Officer in the Execution of his duty, as aforesaid, shall have been killed, such Information shall be forthwith certified by the Justice or other person taking the same, under his Hand and Seal, to one of his Majesty's Principal Secretaries of State, who shall forthwith lay the same before his Majesty in his Privy Council; and his Majesty may thereupon, if he shall so think fit, by his Order in Council, require and command the person so charged with such Offence, that he do, within the space of Sixty Days, or such longer time as to his Majesty shall seem fit, after the publication of such Order in the London Gazette, surrender himself to the Lord Chief Justice, or any other Justice of the King's Bench, or to any Justice of the Peace, or other person competent to take such Surrender, as in such Order shall be specified; and may further order and require such Order to be proclaimed by the Sheriff of the County where the Offence shall have been committed, if committed within any County of the United Kingdom, and if not committed within any such County, then by the Sheriff of any County near to the Place wherein the Offence shall have been committed; and the Clerks of his Majesty's Privy Council shall cause such Order to be forthwith printed and published in the London Gazette, and such Publication to be repeated once in every Week after such First Publication until the expiration of the said Sixty Days, or such other time as shall be appointed by such Order for the Surrender of such Offender, and shall also cause a copy of such Order, attested by the Signature of one of the said Clerks, to be transmitted to the Sheriff of the County specified in such Order, who shall, within Fourteen Days after the receipt of such copy, cause the same to be proclaimed between the Hours of Ten in the Morning and Two in the Afternoon, in the respective Market Places, upon the respective Market Days of Two Market Towns in the same County, if there shall be Two such Towns, and if there shall be only one such Town, then in such Town,



and in some other Place of general resort within such County, and shall also cause a true copy of such copy of such Order to be affixed upon some public Place in each of such Market Towns or other Place where such Proclamation shall be made; and if the person charged with such Offence as aforesaid, shall surrender himself according to such Order, the Justice or other person to whom he shall so surrender, shall commit him to some Gaol or Prison within the limits of his Jurisdiction, to be there dealt with according to Law; but if such person so charged and proclaimed as aforesaid, shall not so surrender himself within the Time limited in such Order, or shall after Surrender and before Trial for such Offence escape from Justice, such Person shall, from the Day appointed for such Surrender, be adjudged to be a Person attainted of Felony, and shall suffer Death as a Felon without Benefit of Clergy, if the Offence shall be charged to have been committed in England, or within the limits of any Port, Harbour, or Creek in England or Ireland, or within One hundred Leagues of the Coast thereof; and it shall be lawful for the Court of King's Bench, or the Justices of Oyer or General Gaol Delivery, or Great Sessions, for the County or Place where such Offender shall be, to award execution against such Offender, in such manner as if he had been convicted and attainted in the said Court of King's Bench, or before such Justices of Oyer and Terminer, or General Gaol Delivery, or Great Sessions respectively; and if the Offence shall be charged to have been committed in Scotland, or within any Port or Harbour or Creek thereof, or within One hundred Leagues of the Coasts thereof, such Offender shall in the like case be adjudged, deemed, and taken to be convicted of a capital Crime, and shall suffer the Pain of Death, and Confiscation of Moveables, as in the case of a Person found guilty of a capital Crime and under Sentence for the same; and it shall be lawful for the Court of Justiciary, or the Lords of Justiciary in their Circuits in Scotland, to award execution against such Offender, in such manner as if he had been found guilty and condemned in the said Courts of Justiciary or Circuit Courts respectively. s. 12.

§ 2. *Forgeries relating to the Revenues of Customs and Excise.*

The Statute 41 G. 3. U. K. c. 91. s. 5. recites s. 6. of 38 G. 3. c. 54. imposing a Penalty of £500 on the Forging of Excise Certificates, and that it is expedient “to repeal the said Clause, and

Persons forging,  
&c. any excise  
certificate di-  
rected to be

granted by any Act in force, shall be guilty of felony, and transported for seven years.

in lieu thereof to direct that every person or persons so offending shall be adjudged guilty of Felony;" and then enacts, that from and after 5th July 1801, the said Clause shall be repealed; and that from and after the said 5th July 1801, if any person or persons whatever shall counterfeit or forge, or cause or procure to be counterfeited or forged, any Certificate authorized or required to be granted by any Officer or Officers of Excise under or by virtue of any Act or Acts of Parliament in force immediately before the passing of this Act, and relating to any of the Duties of Excise; or if any person or persons shall knowingly or willingly give any false or untrue Certificate as aforesaid, or shall knowingly or willingly accept or receive any false or untrue Certificate as aforesaid; or if any person or persons shall fraudulently alter or erase any such true Certificate after the same shall have been given or granted by the proper Officer or Officers of Excise; or if any person or persons shall knowingly or willingly publish or make use of any such Certificate so counterfeited, forged, false, untrue, altered, or erased; then and in every such case the person or persons so offending, and being thereof duly convicted, shall be adjudged guilty of Felony, and shall for such his, her, or their Offence be transported as a Felon or Felons for the space of Seven Years, in such manner as Felons are appointed to be transported by an Act made, &c. [24 G. 3. st. 2. c. 56.]

Persons forging, &c. debentures, certificates, or permits used, &c. for exporting tea to Ireland duty-free, guilty of felony;

By the Statute 41 G. 3. U. K. c. 75. for permitting the Exportation of Tea to Ireland Duty-free, it is enacted, (by s. 7.) that if any person or persons whatsoever, shall at any time counterfeit or forge, or cause to be counterfeited or forged, any Debenture, Certificate, or Permit, in any case in which a Debenture, Certificate, or Permit is by this Act required to be used, given, or granted, any person so offending, and being thereof convicted in due form of Law, shall be adjudged guilty of Felony, and shall be transported for the term of Seven Years; and if any person or persons shall wilfully and knowingly alter or erase any such Debenture, Certificate, or Permit, with intent or for the purpose of deceiving his Majesty's Officers of Customs or Excise, any person so offending, and being convicted thereof, shall forfeit the Sum of Two hundred Pounds.

and persons altering such instruments, forfeit £200.

As to the Forgery of Debentures and Certificates relating to the Revenue of Excise, see ante, s. 10. of the Statute 52 G. 3. c. 143.; this Offence was before made a capital Felony by the Statute 38 G. 3. c. 54. s. 9.

The respective Commissioners of the Customs in Great Britain shall provide or cause to be provided such and so many Seals or Stamps, with which all the imported Linens during the continuance of this Act shall be marked, upon payment of the Duties thereof as aforesaid, and shall cause the same to be delivered to the proper Officers of the Customs for that purpose; and the respective Commissioners to be appointed for managing the said Duties upon Silks, Calicoes, Linens, and Stuffs to be printed, painted, stained, or dyed in Great Britain, shall provide proper Seals or Stamps of another kind, for marking such of the said Silks, Calicoes, Linens, and Stuffs to be printed, painted, stained, or dyed in Great Britain as aforesaid, during the continuance of this Act, as are to be stamped and marked for and in order to the charging of the respective Duties for the same; and also so many Seals or Stamps of a third kind, with which all the said Stocks or Quantities of chequered and striped Linens, and of such printed, painted, stained, or dyed Goods as aforesaid, upon paying or securing the said half Duties for the same, are to be marked or stamped; and shall cause the said respective Seals or Stamps to be distributed to the Officers for the purposes before mentioned; and the said Stamps may from time to time be altered or renewed; and if any person or persons whatsoever shall at any time or times hereafter counterfeit or forge any Stamp or Seal to resemble any Stamp or Seal which shall be provided or made in pursuance of this Act, or shall counterfeit or resemble the impression of the same upon any of the said Commodities chargeable by this Act, thereby to defraud her Majesty, her Heirs or Successors, of any of the said Duties hereby granted, then every such person so offending, being thereof convicted in due form of Law, shall be adjudged a Felon, and shall suffer Death as in cases of Felony without Benefit of Clergy, 10 Ann. c. 19. s. 97.

Commissioners of customs, &c. to provide stamps for marking linens imported, and printed silks, &c.

Persons forging such stamps, or the impression thereof, shall be guilty of felony without benefit of clergy.

By Statute 25 G. 3. c. 72. s. 17. the Commissioners of Excise shall, on or before 1st August 1785, provide proper Frames to denote the Measure of the Commodities mentioned in the Act, and proper Stamps or Seals to denote the charging the Duties thereon, and shall cause the said respective Frames, Stamps, and Seals to be distributed to the respective Officers for the several purposes before mentioned, which Officers are hereby enjoined and required in using the same to do no hurt or damage, or the least damage that may be, to the Commodities to be so marked or stamped; and the said Stamps or any of them may be altered or renewed from time to time as the said respec-

Persons forging stamps to denote the duties payable on linens, stuffs, printed cottons, &c. shall be guilty of felony without clergy.

tive Commissioners shall from time to time think fit; and if any person or persons whatsoever shall at any time or times hereafter counterfeit or forge any Stamp or Seal to resemble any Stamp or Seal which shall be provided in pursuance of this Act, to denote the charging the Duties on the said Linens, Stuffs made of Cotton mixed with other Materials, Stuffs wholly made of Cotton Wool wove in Great Britain, British Muslins and Fustians, Velvets, Ververets, Dimities, and other figured Stuffs made of Cotton and other Materials mixed, or wholly made of Cotton Wool wove in Great Britain, Foreign Calicoes or Foreign Muslins, printed, stained, painted, or dyed in Great Britain, or shall counterfeit or resemble the Impression of the same upon any of the said Goods chargeable by this Act, thereby to defraud his Majesty, his Heirs or Successors, of the said Duty hereby granted, then every person so offending, being thereof convicted in due form of Law, shall be adjudged a Felon, and shall suffer Death as in cases of Felony, without Benefit of Clergy; and if any person or persons shall at any time or times hereafter sell any such Commodities aforesaid, with a counterfeit Stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his Heirs and Successors, all and every such Offender and Offenders, their Aiders, Abettors, and Assistants, being duly convicted as aforesaid, shall for every such Offence forfeit and lose the Sum of One hundred Pounds, and shall be adjudged to stand in the Pillory in some public place for the space of Two Hours. (1)

Penalty on persons selling such articles with forged stamps on them.

By s. 34. this Penalty may be recovered by such ways as any fine, &c. may be sued for by any of the Excise Laws, or by Action of Debt, &c. in any Court of Record at Westminster.

Penalty on persons forging stamps, &c. on starch exported.

The Statute 26 G. 3. c. 51. s. 4. directs, that the Commissioners for the Duties on Starch shall provide and distribute proper Stamps or Seals, for stamping or sealing the Papers containing all Pieces of Starch made or papered, and which Stamps or Seals may be varied or altered by the Commissioners; and by s. 5, every Paper of Starch intended for Exportation shall be stamped or marked by the Officer on the Label, or Piece of thin Paper directed to be affixed thereon [by s. 2 of the Act], with such Stamp or Mark so provided, having the word "Exportation" denoted thereon; and then, by s. 6, it is enacted, "that if any person or persons shall at any time forge

(1) This part of the punishment is repealed by the general words of Statute 56 G. 3. c. 138.

or counterfeit any such Stamp or Mark which shall be so provided for stamping or marking Starch intended to be exported, every person so offending shall, for every such Offence, forfeit the Sum of One hundred Pounds," [to be recovered by such ways, means, and methods as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, or mitigated by any Law of Excise, or by Action of Debt, &c. in any Court of Record at Westminster. s. 27.]

By s. 13. of 27 G. 3. c. 32. all Goods lawfully seized by any Officers of the Customs, and condemned in the Court of Exchequer, or delivered by Writ of Delivery, shall, if capable of receiving a clear, distinguishable, and legible Stamp or Impression, or Seal thereon, before they are delivered from the Warehouses, be stamped or sealed in such manner as the Commissioners of the Customs shall direct, who shall also cause such Seals or Stamps to be provided for that purpose; and then it is enacted, by s. 14, that if any person or persons whatever shall at any time forge or counterfeit, or shall cause or procure to be forged or counterfeited, or shall be aiding or assisting in the forging or counterfeiting of any Stamp or Seal, to resemble any Stamp or Seal which shall be provided or used in pursuance of this Act; or shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, or shall be aiding or assisting in forging or counterfeiting the Impression of any such Stamp or Seal; all and every such Offender and Offenders shall be deemed guilty of Felony, and on being thereof lawfully convicted shall be deemed and adjudged a Felon, and shall suffer Death as in cases of Felony without Benefit of Clergy.

To counterfeit, &c. any stamp or seal provided for marking certain condemned goods, shall be a capital felony.

By the same section, a Penalty of £500 (and Forfeiture of the Goods) is imposed on Persons having Goods in their possession with such counterfeit Marks on them; with a like Penalty on unauthorized Persons having in their possession any Stamp or Seal so provided by the said Commissioners, whether such person shall or shall not have made use of the same.

By the Statute 36 G. 3. c. 6. s. 12. the Commissioners of Excise, or the major Part of them, in *England* and *Scotland* respectively, shall provide proper Stamps or Seals for the stamping or sealing the Labels affixed or pasted on Paper containing all Starch and Hair Powder respectively, which shall be imported or brought into this Kingdom and papered in pursuance of this Act; and shall cause such Stamps or Seals to be distributed to the proper Officers of Excise for the purpose before mentioned, which Officers are hereby enjoined and required in

Commissioners of excise shall provide and distribute stamps for starch papers.

using the same to do no hurt or damage, or the least hurt or damage that may be, to the Starch or Hair Powder respectively, or to the Paper wherein the same shall be so wrapped; which Stamps or Seals shall and may be varied, altered, or renewed from time to time, as the said Commissioners of Excise respectively, or the major Part of them respectively, shall think fit.

Persons forging stamps, &c. provided for stamping starch or hair powder papers, ousted of clergy.

And by s. 13, if any person or persons shall at any time forge or counterfeit any Stamp or Seal, to resemble any Stamp or Seal which shall be provided in pursuance of this Act, for stamping or sealing Starch or Hair Powder imported, or shall counterfeit or resemble the Impression of the same upon any Paper containing any Starch or Hair Powder, thereby to defraud his Majesty, his Heirs or Successors, of any of the Duties upon Starch or Hair Powder, then every person so offending, being thereof convicted in due Form of Law, shall be adjudged a Felon, and shall suffer Death as in cases of Felony without Benefit of Clergy: And if any person or persons shall at any time sell any Starch or Hair Powder with any such forged or counterfeit Stamp, Seal, or Impression thereon, knowing the same to be forged and counterfeited, and with an intent to defraud his Majesty, his Heirs or Successors, of any of the Duties upon Starch or Hair Powder; or shall knowingly, with intent to defraud his Majesty, his Heirs or Successors, of any of the Duties upon Starch or Hair Powder, fix, or cause to be fixed, the Label of any Paper, stamped or sealed according to the Directions of this Act, to any Starch or Hair Powder other than that which was inclosed in such Paper at the time when the Label thereof was stamped or sealed by the proper Officer or Officers of Excise according to the directions of this Act, every person so offending shall, for every such Offence, forfeit the Sum of Two hundred Pounds. (1)

So much of recited Act 34 G. 3. c. 20. as respects

The Statute 46 G. 3. c. 112. "to amend the Laws of Excise so far as relates to the counterfeiting the Stamps on the Wrappers of Paper," recites (s. 2.) the ninth section of 34 G. 3. c. 20. and that it is expedient to repeal, in manner herein-after mentioned, so much of the said Act as is herein-before recited, and in lieu thereof to direct that every person or persons so offending shall be adjudged guilty of Felony, and subject to such Punishment as is herein-after directed; and then enacts, that from and after the fifth day of August 1806, so much of the said Act as

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(1) Recoverable in like manner as any other penalty, &c. may be under any Laws of Excise. s. 20.



is herein-before recited shall be and the same is hereby repealed, save and except in all and every case and cases relating to any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, of the said Sum of Five hundred Pounds, which have been incurred at any time before or on the said fifth day of August 1806; and that from and after the said fifth day of August 1806, if any person or persons whatever shall counterfeit or forge, or cause to be counterfeited or forged, any Stamp, Device, or Label provided or directed to be used in pursuance of the said Act made in the forty (1) fourth Year of the reign of his said Majesty, or shall counterfeit, forge, or resemble the Mark or Impression of any such Stamp or Device, upon any Cover or Wrapper of or belonging to or used with or upon any Label affixed to any Ream or Quantity of Paper, or upon any Pasteboard, Millboard, Scaleboard, or glazed Paper, thereby to defraud his Majesty, his Heirs or Successors, or shall have in his, her, or their Custody or Possession, any such counterfeit or forged Stamp or Device, knowing the same to be counterfeited or forged, or shall utter, vend, or sell any Paper with a counterfeit or forged Mark or Impression of any such Stamp or Device on the Cover or Wrapper of such Paper, or on any Label affixed thereto, or on any Pasteboard, Millboard, Scaleboard, or glazed Paper, with a counterfeit or forged Mark or Impression of any such Stamp or Device upon such Pasteboard, Millboard, Scaleboard, or glazed Paper, or upon any Label affixed thereto, knowing the same to be so counterfeited or forged, every person so offending, and being thereof duly convicted, shall be adjudged a Felon, and shall suffer Death as in cases of Felony, without Benefit of Clergy.

the penalty of counterfeiting stamps provided for paper, &c. repealed, and persons so counterfeiting stamps on any cover or wrapper or label affixed to any paper, declared guilty of felony, without clergy.

### § 3. *Perjuries relating to the Revenue of Excise.*

The Statute 46 G. 3. c. 112. recites (s. 3.) that by several Acts relating to his Majesty's Duties of Excise, Oaths are required to be taken in manner therein mentioned, and it is expedient to make such Provision as is herein-after mentioned, for the Punishment of persons wilfully take a false Oath, in any of the cases in which an Oath is by any such Act directed or required to be taken; and then enacts, that from and after the passing of this Act, any person or persons who shall be convicted of wilfully taking a false Oath in any of the cases in which an Oath is

Persons taking false oaths in cases required by the excise laws, shall be subject to the penalties of perjury.

(1) Probably a mistake for *thirty*.

by any Act or Acts of Parliament relating to the Duties of Excise directed or required to be taken, shall be liable to the Pains and Penalties to which persons are liable for wilful and corrupt Perjury. s. 9.

*§ 4. The Offence of delivering out false Permits.*

Excise officer delivering out permits improperly, or granting false ones, shall be guilty of felony.

From and after 29th September 1783, if any Officer of Excise or other Inland Duties, shall deliver out, or suffer to be delivered out any Paper having the Words Excise Office visible in the substance thereof, either before or after the Stamp or Mark so to be provided as aforesaid, shall be printed thereon, or before the same shall be filled up agreeable to the request note brought from any Trader for the purpose of having a Permit for the removal of some exciseable Commodity; or if such Officer shall knowingly give or grant any false or untrue Permit, or shall make any false or untrue Entry in the Counterpart or Counterparts of any Permit or Permits by him given or granted for the removal of any exciseable Commodity from the Stock of any Dealer therein, or shall knowingly and willingly receive or take any exciseable Commodity whatsoever into the Stock of any such Dealer, brought in with any false, forged, or untrue Permit, or shall knowingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of the several Statutes in such case made and provided; every such Officer so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, for any time not exceeding Seven Years. 23 G. 3. c. 70. s. 11.

## **Rewards.**

A reward of £40. to persons taking and convicting persons guilty of highway robbery.

All and every person and persons who shall apprehend and take one or more Thieves or Robbers, and prosecute him or them so apprehended, until he or they be convicted of any Robbery committed in or upon any Highway, Passage, Field, or open Place, shall have and receive from the Sheriff of the County where such Robbery and Conviction shall be made and done, without paying any fee for the same, for every such Offender so convicted, the Sum of Forty Pounds, within one Month after such Conviction, and demand thereof made, by tendering a Certificate to the said Sheriff, under the hand or hands of the Judge or

Justices before whom such Felon or Felons shall be convicted, certifying the Conviction of such Felon or Felons for a Robbery done within the County of the said Sheriff, and also that such Felon or Felons was or were taken by the person or persons claiming the said Reward; and in case any dispute shall arise between the persons so apprehending any of the said Thieves and Robbers, touching their right and title to the said Reward, that then the said Judge or Justices so respectively certifying as aforesaid, shall in and by their said Certificate direct such Reward to be paid unto and amongst the persons claiming the same, in such proportions as to such Judge or Justices shall seem just and reasonable; and if any Sheriff shall die or be removed before the expiration of one Month after such Conviction and Demand made of the said Reward (not being paid as aforesaid, the next succeeding Sheriff of the said County shall pay the same within one Month after Demand and Certificate brought as aforesaid; and in default of payment by such Sheriff of such Money, such Sheriff shall forfeit to the person to whom such Money is due Double the Sum he ought to have paid, to be recovered by him or his Executors or Administrators in any Court of Record at Westminster, by Action of Debt, &c. with Treble Costs of Suit. 4 W. & M. c. 8. s. 2. This Reward is now repealed by 58 G. 3. c. 70. which see post.

If any person be killed by such Robber endeavouring to apprehend, or in making pursuit after him, the Executors or Administrators to whom the Right of Administration to the personal Estate of each person so killed shall belong, (upon Certificate delivered under the hands and seals of the Judge or Justices of Assize for the County where the fact was done, or the two next Justices of the Peace, of such person being so killed, which Certificate the said Judge or Justices, upon sufficient proof before them made, are immediately required to give without Fee or Reward) shall receive £40 from the Sheriff of the County where the fact was committed; and upon failure of payment by the Sheriff, Double the Sum shall be recovered against him, with Treble Costs as aforesaid. s. 3.

Executors of persons killed shall have the rewards

Every person who shall so take, apprehend, prosecute, or convict such Robber, as a further Reward shall have to his own use the Horse, Furniture, and Arms; Money or other Goods of the Robber, that shall be taken with him; any the King's Title or Right, Bodies Politic or Corporate, or the Right or Title thereunto of any Lord of any Manor, Liberty, or Franchise, or of him or them lending or letting the same to hire to

The offender's horse, arms, money, &c. given to the person apprehending, &c. such robber.

any such Robber, notwithstanding; provided that this Clause shall not be construed to extend to take away the Right of any person to such Horses, Furniture, and Arms, Money or other Goods, from whom the same were before feloniously taken. s. 6.

The Statute 10, 11 W. 3. c. 23. intituled "An Act for the better apprehending, prosecuting, and punishing of Felons that commit Burglary, Housebreaking, or Robbery in Shops, Warehouses, Coach Houses, or Stables, or that steal Horses," recites that whereas the Crimes of Burglary and breaking open of Houses in a felonious manner, and the Crime of stealing Goods privately out of Shops and Warehouses, commonly called Shoplifting, and the stealing of Horses, are of late years much increased, to the great detriment and unspeakable loss of many of your Majesty's good Subjects, occasioned for want of due Prosecution and Punishment of Offenders therein, and for want of encouragement to such as shall vigorously endeavour the apprehending of such Malefactors; and then enacts it to be a capital Felony privately to steal Goods, Wares, or Merchandizes, being of the value of Five Shillings or more, in any Shop, Warehouse, Coach-house, or Stable, or to assist him, or command another to do such Offence [See the Act fully set out under title Larceny V.]; and then the Act enacts, that from and after the 20 May 1699, all and every person and persons who shall apprehend and take any person guilty of any of the Felonies before mentioned, and prosecute him, her, or them so apprehended and taken until he, she, or they be convicted of any the aforesaid Felonies, such apprehenders and takers, for his, her, or their Reward upon every such Conviction, without any Fee or Reward to be paid for the same, shall have forthwith after every such Conviction, a Certificate which shall be under the hand or hands of the Judge, Justice or Justices, before whom every such Conviction shall be had, certifying such Conviction, and also within what Parish or Place the Felony was committed, whereof any such person or persons was or were convicted as aforesaid, and also that such Felon or Felons was or were discovered and taken, or discovered or taken, by the person or persons so discovering or apprehending any the said Felon or Felons; and in case any dispute shall happen to arise between any of the persons so discovering or apprehending any the said Felon or Felons so convicted as aforesaid, touching their right or title to the said Certificate, that then the said Judge, Justice or Justices, or the major part of them, so respectively making such Certificate as aforesaid, shall in and by his or their Certificate

Apprehenders and prosecutors of burglars, housebreakers, horsetealers, and persons stealing privately in shops, warehouses, coach-houses, or stables, shall have a certificate exempting them from serving parish and ward offices.

In case of dispute the Judge shall appoint the certificate into shares.

direct and appoint the said Certificate into so many Shares to be divided amongst the persons therein concerned as to the said Judge, Justice or Justices, or the major part of them, shall seem just and reasonable [which Certificate shall and may be once assigned over and no more (1)], and the original proprietor of such Certificate [or the assignee of the same (1)], whosoever of them shall have the interest therein by virtue thereof and of this present Act, shall and may be discharged of and from all and all manner of Parish and Ward Offices, within the Parish or Ward wherein such Felony or Felonies shall be committed, and such party [or assignee (1)] is hereby declared to be discharged therefrom; which said Certificate shall be inrolled by the Clerk of the Peace of the County in which the same shall be granted, for which inrollment the said Clerk of the Peace of the County or City in which the same shall be granted shall have for his Fee the Sum of One Shilling and no more.  
10, 11 W. 3. c. 23. s. 2.

Certificate shall be inrolled with the Clerk of the Peace.

In case any person or persons shall happen to be slain by any such Housebreakers, Horse Stealers, or other Felon aforesaid, by endeavouring to apprehend or in making pursuit after him, her, or them, or any of them, that then the Executors or Administrators of such person or persons so slain, to whom the right of Administration of the Personal Estate of every person so slain shall belong, shall have the said Certificate in manner as aforesaid without any Fee or Reward as aforesaid.  
10, 11 W. 3. c. 23. s. 4. See section 3. of 58 G. 3. c. 70. post.

A like certificate shall be given to the executors of parties slain in endeavouring to apprehend such offenders.

If any person or persons from and after the said 20 May 1699, shall commit any Burglary, Housebreaking, or Felony, in stealing of any Horse or Horses, or any Money, Wares, or Goods, from whom the Benefit of the Clergy is by this taken Act away [See Larceny V.], and being out of Prison, shall discover two or more person or persons who already have or hereafter shall commit any such Burglary, Horse Stealing, or Felony as aforesaid, and shall be convicted thereof, or cause to be discovered and apprehended two persons or more who shall be convicted as aforesaid, every such discoverer shall have and is hereby entitled to his Majesty's most gracious Pardon for the Burglaries, Housebreakings, Horse Stealings, or Felonies as aforesaid, which he, she, or they shall have committed at any time or times before such Dis-

Certain offenders out of prison discovering and convicting two accomplices, entitled to a pardon.

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(1) This part of the Act is repealed by 58 G. 3. c. 70. s. 2. which see post.

covery made; which Pardon shall be likewise a good bar to any Appeal brought or to be brought for any such Burglary, Housebreaking, Horse Stealing, or Felony. 10, 11 W. 3. c. 23. s. 5.

Persons guilty of robbery discovering and convicting two offenders, shall receive a pardon.

If any person or persons, being out of Prison, shall commit any Robbery, and afterwards discover two or more person or persons who hereafter shall commit any Robbery, so as two or more of the person or persons discovered shall be convicted of such Robbery, any such Discoverer shall himself have and is hereby entitled to a Pardon for all Robberies which he or they shall have committed at any time before such Discovery made, which Pardon shall be likewise a good bar to any Appeal brought for any such Robbery. 4 W. & M. c. 8. s. 7.

By Statute 5 Ann. c. 31. s. 4. it is enacted, that if any person or persons, being out of prison, shall, from and after 10th May 1707, commit any Burglary or Felony *as aforesaid*, and afterwards discover two or more persons who already have or hereafter shall commit any such Burglaries or Felonies, so as two or more of the persons discovered shall be convicted of such Burglary or Felony, any such Discoverer shall himself have the like Reward and Allowance of Forty Pounds hereby promised to be paid to the person or persons who shall apprehend and convict Housebreakers (1), and all other Advantages

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(1) The Statute 5 Ann. c. 31. reciting that the Crimes of Burglary and breaking open Houses in a felonious manner are of late years become more frequent than formerly, to the great terror, &c. of many subjects, which Crimes might be in a great measure prevented if due encouragement be given to such as shall vigorously endeavour the discovery and apprehending of such Malefactors, enacts, that persons apprehending and taking any person or persons guilty of burglary, or the felonious breaking and entering of any house in the daytime, and prosecute him, her, or them so apprehended and taken until convicted of such burglary or felony, shall have and receive, over and above the Rewards given by 10, 11 W. 3. c. 23. the sum of forty pounds within one month after such conviction, to be paid by the Sheriff or Sheriffs of the County where such Felony or Burglary shall be made and done, without any Fee for the same, to the person or persons so taking, apprehending, and prosecuting the said Offenders, he and they rendering a Certificate to the said Sheriff or Sheriffs under the hand or hands of the Judge or Justices before whom such Felon shall be convicted for such Burglary or Felony, certifying the Conviction of such Felon for the said Offence or Offences, and in what



given to such Taker and Prosecutor, and shall also be himself entitled to the gracious Pardon of her Majesty, her Heirs and Successors, for all Burglaries, Robberies, and Felonies (except Murder and Treason) by him committed at any Time or Times before such Discovery made, which Pardon shall be likewise a good bar to any Appeal brought for such Burglary, Robbery, or Felony.

By 5 Anne, c. 31. s. 1. Forty Pounds is given to the Apprehenders, Takers, and Prosecutors to Conviction of Burglars and Housebreakers, over and above the Rewards given by 10, 11 W. 3. c. 23.; but this Reward of £40 is repealed by 58 G. 3. c. 70. (which see post) with the exceptions therein contained.

In case any Watchman, or any other person or persons shall happen to be killed by any such Burglar or Housebreaker endeavouring to apprehend or in making pursuit after him or them, that then the Executors or Administrators, or such person or persons to whom the Right of Administration of the Personal

Executors of watchmen, &c. killed in endeavouring to apprehend burglars and housebreakers, entitled to £40 and a certificate.

Parish the same was committed, and also that such Felon or Felons was or were taken by the person or persons claiming the said Reward; and in case any dispute shall happen to arise between the persons so apprehending any the said Felons touching their right and title to the said Reward, that then the said Judge or Justices so respectively certifying as aforesaid, shall in and by their said Certificate direct and appoint the said Reward to be paid to and amongst the Parties claiming the same, in such Share and Proportions as to the said Judge or Justice shall seem just and reasonable: and if any Sheriff shall die or be removed before the Expiration of one month after such Conviction and Demand made of such Reward (not being paid as aforesaid) that then the next succeeding Sheriff shall pay the same within one month after Demand and Certificate brought as aforesaid; and if default of payment of such Sums be made by any Sheriff, such Sheriff so making default shall forfeit to the person to whom such Money is due double the sum of money he ought to have paid, to be recovered by him, or his Executors or Administrators, in any of the Courts of Record at Westminster, by Action of Debt, &c.

The Judge or Justices (before whom such Felons and Housebreakers shall be convicted as aforesaid) shall determine and settle the Right, Rights and Shares of such respective persons who by virtue of this Act shall be entitled to the Certificate herein directed to be given, and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered, the said Certificate, without Fee or Reward, to such person or persons entitled thereunto, before the end of such Assises or Sessions wherein such Conviction as aforesaid shall be had.

5 Ann. c. 31. s. 7.

Estate of such Person so killed shall belong, upon Certificate delivered under the Hands and Seals of Judge or Justices of Assise of the County where the Fact was committed, or the Two next Justices of the Peace, of such person or persons being so killed, which Certificate the said Judge or Justices, upon sufficient proof before them made, are immediately required to give without Fee or Reward, shall receive the Sum of Forty Pounds from the Sheriff or Sheriffs of the County where the said Fact was done and committed; and upon failure of Payment thereof by the Sheriff or Sheriffs, double the Sum of Forty Pounds, to be recovered against them with treble Costs of Suit, in Manner and Form aforesaid. 5 Anne, c. 31. s. 2.

Persons prosecuting to conviction any offender taking a reward for helping to stolen goods, shall receive a reward of £40.

Whereas the practice of taking Money to help persons to their Stolen Goods and sharing it with the Felons is still continued, in defiance of the Laws and to the encouragement of Felons; be it enacted, that whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any person or persons for the said Offence of taking Money or other Reward, directly or indirectly, to help any person or persons to their Stolen Goods (such Offender not having apprehended the Felon who stole the same, and brought him or her to Trial for the same, and given Evidence against him or her as required by Law), shall be entitled to a Reward of Forty Pounds for every such Offender so convicted as aforesaid, and shall have the like Certificate and like Payments made without Fee or Reward, as any person or persons may be entitled unto for the apprehending, prosecuting, and convicting of Highwaymen, by any Law or Laws for that purpose. 6 G. 1. c. 23. s. 9.

So much of the statutes 4 W. & M. c. 8. 6, 7 W. 3. c. 17. 10, 11 W. 3. c. 23. 5 Ann. c. 31. 14 G. 2. c. 6. & 15 G. 2. c. 28. as gives rewards upon the conviction of offenders therein mentioned, repealed.

The Statute 58 G. 3. c. 70. recites so much of 4 W. & M. c. 8. as gives a Reward of £40 to the Prosecutor upon Conviction of Offenders guilty of Robbery in any Highway, Passage, Field, or open Place; and so much of 6, 7 W. 3. c. 17. as gives a like Reward to the Prosecutor upon Conviction of Offenders guilty of counterfeiting, clipping, washing, filing, or diminishing the current Coin of the Realm; and so much of 10, 11 W. 3. c. 23. (s. 2.) as gives a Certificate (exempting from Ward and Parish Offices) to the Prosecutor of Offenders guilty of Burglary, Housebreaking, Stealing privately in Shops, Warehouses, Coach Houses, or Stables, to the Value of Five Shillings, and Stealers of Horses; and so much of 5 Anne, c. 31. (s. 1.) as gives a Reward of £40 to the Prosecutor upon Conviction of Offenders guilty of Burglary and Housebreaking; and so much of 14 G. 2. c. 6. as gives a Reward of £10 to the Prosecutor upon

Conviction of Offenders found guilty of stealing Sheep; and also so much of 15 G. 2. c. 28. as gives Rewards of £40 and £10 respectively to the Prosecutors upon Conviction of Offenders found guilty of the Offences thereby made High Treason or Felony, and of counterfeiting the Copper Money therein mentioned; and then recites, that “whereas it has been found by experience that the encouragement given by the said several recited Acts of Parliament, by way of pecuniary and other Rewards, for the Apprehension and Prosecution to Conviction of Persons guilty of the several Crimes and Offences therein mentioned or referred to, has not produced the wholesome effects of diminishing the Crimes and Offences thereby intended to be prevented or checked; and it has also been found by experience that the hope or expectation of obtaining such Rewards, or some or one of them, or some other pecuniary Reward or Compensation, has instigated evil-disposed persons to conspire to entrap the unwary and ignorant into the Commission of Offences, for which they have afterwards been apprehended and prosecuted to Conviction by such Conspirators, whereby encouragement has not only been given to the Commission of such Crimes and Offences, but the Laws of God and Man have been violently transgressed:” and the Statute then enacts, that so much of the said recited Act of the Fourth Year of the Reign of their said late Majesties King William and Queen Mary, as authorizes and directs the Receipt and Payment of the Sum of Forty Pounds by way of Reward by and to every Person and Persons who shall apprehend and take and prosecute to Conviction one or more Thieves or Robbers, for any Robbery committed in or upon any Highway, Passage, Field, or open Place, and for the Allowance of the Payment of such Reward of Forty Pounds to the Sheriff or Sheriffs paying the same, or their Executors or Administrators, in the Accounts of such Sheriff or Sheriffs; and also, that so much of the said recited Act of the Sixth and Seventh Years of the Reign of his said late Majesty King William the Third, as authorizes and directs the Receipt and Payment of the Sum of Forty Pounds by way of Reward by and to all and every person and persons who shall apprehend and take any person or persons who shall have counterfeited any of the current Coin of this Realm, or that for lucre or gain shall have clipped, washed, filed, or anyways diminished the same, or shall bring or cause to be brought into this Kingdom, the Dominion of Wales, or Town of Berwick-upon-Tweed, any clipt, false, or counterfeit Coin, and prosecute such person or persons until he, she, or

they be convicted of any such last-mentioned Offence or Offences; and also as directs the Allowance of the Payment of such last-mentioned Reward of Forty Pounds to the Sheriff or Sheriffs paying the same, or to their Executors or Administrators, in the Accounts of such Sheriff or Sheriffs; and also, that so much of the said recited Act of the Fifth Year of the Reign of her said late Majesty Queen Anne, as authorizes and directs the Receipt and Payment of the Sum of Forty Pounds by way of Reward by and to all and every person and persons who shall apprehend and take any person or persons guilty of Burglary, or the felonious breaking and entering of any House in the Day-time, and prosecute him, her, or them so apprehended and taken until he, she, or they be convicted of such Burglary or Felony, and also as directs the Allowance of the Payment of such last-mentioned Reward of Forty Pounds to the Sheriff or Sheriffs paying the same, or to their Executors or Administrators, in the Accounts of such Sheriff or Sheriffs; and also that so much of the said recited Act of the Fourteenth Year of the Reign of his said late Majesty King George the Second, as authorizes and directs the Receipt and Payment of the Sum of Ten Pounds by way of Reward by and to all and every person and persons who shall apprehend and prosecute to Conviction any Offender or Offenders who shall feloniously drive away, or in any other manner feloniously steal, one or more Sheep of any other person or persons whatsoever, with a felonious intent to steal the whole Carcase or Carcases, or any part or parts of the Carcase or Carcases of any one or more Sheep or other Cattle that shall be so killed, or shall assist or aid any person or persons to commit any such Offence or Offences, and also as directs the Allowance of the Payment of such last-mentioned Reward of Ten Pounds to the Sheriff or Sheriffs paying the same, or to their Executors or Administrators, in the Accounts of such Sheriff or Sheriffs; and also that so much of the said recited Act of the Fifteenth Year of the Reign of his said late Majesty King George the Second, as authorizes and directs the Receipt and Payment of the Sum of Forty Pounds by way of Reward by and to whoever shall apprehend any person or persons who shall have committed any of the Offences by the same Act made High Treason or Felony, and the Receipt and Payment of the Sum of Ten Pounds by way of Reward by and to whoever shall in like manner apprehend any person or persons who shall have made or counterfeited any of the Copper Money therein mentioned, and shall prosecute such several and respective Offenders until he,

she, or they shall be thereof respectively convicted; and also as directs the Allowance of the Payment of such last-mentioned Rewards of Forty Pounds and Ten Pounds to the Sheriff or Sheriffs paying the same, upon his or their accounting with his Majesty; shall be and the same is and are hereby severally and respectively repealed. 58 G 3. c. 70 s. 1.

From and after the passing of this Act, no Certificate which shall be granted, pursuant to the said recited Act of the Tenth and Eleventh Years of the Reign of King *William* the Third, to any person or persons who shall apprehend and take and prosecute to Conviction any person guilty of any of the Felonies therein-before mentioned, to discharge such person or persons so apprehending and prosecuting from Parish and Ward Offices, shall be assignable or transferrable by the person or persons to whom such Certificate shall be originally granted, to any person or persons whomsoever; nor shall any such Certificate or Certificates exempt or discharge from Parish or Ward Offices any other person or persons whomsoever than the person or persons to whom the same was originally granted; the said recited Act of the Tenth and Eleventh Years of the Reign of King *William* the Third, or any other Law, Usage, or Custom to the contrary in anywise notwithstanding. s. 2.

Certificates granted under 10 & 11 W. 3. c. 23. not to be transferrable.

Provided always, that nothing herein contained shall extend or be construed to extend to take away from or deprive the Executors or Administrators of any person or persons who shall happen to be killed by any Robber or Robbers endeavouring to apprehend or in making pursuit after him or them, of any Reward or Rewards to which the Executors or Administrators of any person or persons so happening to be killed would be entitled by the said recited Act of the Fourth Year of the Reign of their said late Majesties King *William* and Queen *Mary*; nor to deprive any person or persons of the Horse, Furniture and Arms, Money or other Goods of any Robber or Robbers, and which by the same Statute are directed to become the Property of any person or persons who shall take, apprehend, prosecute, or convict any such Robber or Robbers as therein mentioned; nor shall any thing herein contained extend or be construed to extend to deprive the Executors or Administrators of any Watchman or any other person or persons who shall happen to be killed by any Burglar or Housebreaker endeavouring to apprehend or in making pursuit after him or them, of any Reward or Rewards to which such Executors or Administrators would be

Saving to the executors of persons killed by robbers, &c.

Court empowered to order payment of expences of prosecution.

entitled by virtue of the said recited Act of the Fifth Year of the Reign of her said late Majesty Queen Anne. 58 G. 3. c. 70. s. 3.

And whereas many persons are deterred from prosecuting persons guilty of Felony, upon account of the Expence and Loss of Time attending such Prosecutions, whereby the Ends of Justice are frequently defeated; be it therefore enacted, that from and after the passing of this Act it shall and may be lawful for the Court before whom any Person shall be prosecuted or tried for any Grand or Petit Larceny or other Felony, and every such Court is hereby authorized and empowered, at the Request of the Prosecutor, or any other person or persons who shall become bound in any Recognizance to his Majesty, his Heirs and Successors, to prosecute or give Evidence, or who shall be subpoenaed to give Evidence, against any person or persons accused of any Grand or Petit Larceny or other Felony, and who shall appear to prosecute and give Evidence, or who shall appear to the said Court to have been active in the Apprehension of any person or persons accused of any of the Offences in the said herein-before recited Acts mentioned, or any of them, to order the Sheriff or Treasurer of the County in which the Offence shall have been committed to pay unto such Prosecutor and Witnesses, and person or persons concerned in such Apprehension as aforesaid, respectively, as herein-after mentioned, as well the Costs, Charges, and Expences which such Prosecutor shall be put to in preferring the Indictment or Indictments against the person or persons so accused, as also such Sum and Sums of Money as to the said Court shall seem reasonable and sufficient to reimburse such Prosecutor and Witnesses, and person or persons concerned in such Apprehension as aforesaid, for the Expences they shall have been put severally to in attending before the Grand Jury to prefer such Indictment or Indictments, and in otherwise carrying on such Prosecution, and also compensate such Prosecutor and Witnesses, and person or persons concerned in such Apprehension as aforesaid, respectively, for their loss of Time and Trouble in such Apprehension and Prosecution as aforesaid. s. 4.

To be paid by the Sheriff of the county.

In case the said Judge, Justices, or Court shall make any Order and Direction for the Payment of any such Sum or Sums of Money to any person or persons concerned in the Apprehension and taking of any person or persons accused of any of the Offences in the said herein-before recited Acts mentioned, or any of them, the same shall be paid by the Sheriff of the County in



which the Offence shall have been committed; and in the like Manner, upon the like Certificate, and at the same Period of Time, as the Rewards are directed to be paid by the said recited Acts of Fourth William and Mary, Sixth William the Third, Fifth Anne, the Third and Fourteenth and Fifteenth George the Second; and that every such Certificate shall be made out by the Clerk of Assize or Clerk of the Peace respectively, and be forthwith delivered to the person or persons entitled to the same, upon payment of the Sum of Five Shillings for each such Certificate; and that the Sheriff of the County, upon Payment of the Sum of Money specified in such Certificate, shall be reimbursed the said Sum of Money in like manner as is directed by the said several and respective Acts herein-before recited. 58 G. 3. c. 70. s. 5.

Every such Order for the Costs and Charges assigned by this Act to Prosecutors and Witnesses shall be made out by the Clerk of Assize or Clerk of the Peace respectively; which Order the Clerk of Assize or Clerk of the Peace is hereby directed and required forthwith to make out and deliver unto such Prosecutor, upon being paid for the same the Sum of One Shilling and no more; and the Treasurer of the said County, Riding, or Division is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Prosecutor, or other Person authorized to receive the same, such Money as aforesaid, and shall be allowed the same in his Account. s. 6.

The order for costs to be made by the Clerk of Assize, and to be paid by the Treasurer of the County.

Whereas by an Act of Parliament made and passed in the Twenty-fifth Year of the Reign of his late Majesty King George the Second, intituled "An Act for preventing Thefts and Robberies, and for regulating Places of Public Entertainment, and punishing Persons keeping disorderly Houses," it is amongst other things enacted, that if any Two Inhabitants of any Parish or Place, paying Scot and bearing Lot therein, do give Notice in writing to any Constable, or other Peace Officer of the like nature where there is no Constable of such Parish or Place, of any Person keeping a Bawdy-house, Gaming-house, or any other disorderly House in such Parish or Place, the Constable or such Officer as aforesaid so receiving such Notice shall forthwith go with such Inhabitants to one of His Majesty's Justices of the Peace of the County, City, Riding, Division, or Liberty in which such Parish or Place does lie, and shall, upon such Inhabitants making Oath before such Justice that they do believe the Contents of such Notice to be true, and entering into a Recognizance in the penal Sum of Twenty Pounds each to give or produce

Notices by 25 G. 2. c. 36. directed to be given to constables in certain cases,

to be given also  
to the overseers  
of the poor;

who are to  
prosecute.

To whom costs  
shall be paid.

In places which  
do not contri-  
bute to the  
county rate, and  
have no public  
stock, a separate  
rate to be levied  
for the purposes  
of this Act.

material Evidence against such Person for such Offence, enter into a Recognizance in the penal Sum of Thirty Pounds to prosecute with effect such Person for such Offence at the next General or Quarter Sessions of the Peace, or at the next Assizes to be holden for the County in which such Parish or Place does lie, as to the said Justice shall seem meet: And whereas it is expedient, that when any Two Inhabitants of any Parish or Place paying Scot and bearing Lot therein, shall give Notice in writing to any Constable of such Parish or Place of any Person keeping a Bawdy-house, Gaming-house, or any other disorderly House, in such Parish or Place, that the Overseers of the Poor of such Parish or Place shall have Notice thereof; therefore be it enacted, and it is hereby enacted, that a Copy of the Notice which shall be given to such Constable shall also be served on or left at the Places of Abode of the Overseers of the Poor of such Parish or Place, or one of them, and such Overseers or Overseer of the Poor shall be summoned or have reasonable Notice to attend before such Justice of the Peace before whom such Constable shall have Notice to attend; and if such Overseers or Overseer of the Poor shall then and there enter into such Recognizance to prosecute such Offender as the Constable is in and by the said Act required to enter into, then it shall not be necessary for, nor shall such Constable be required to enter into such Recognizance; but if such Overseers or Overseer of the Poor shall neglect to attend such Justice on having such Notice, or shall attend, and shall decline or refuse to enter into such Recognizance to prosecute, then such Constable shall enter into the same, and shall prosecute, and shall be entitled to his Expences, to be allowed as in and by the said Act is directed. s. 7.

Provided always, that no Person or Persons shall be entitled to any such Costs or Expences for attending the Court, unless he or they shall have been bound by Recognizance, or have previously received a Subpoena to attend the same, or a written Notice for that Purpose from the Prosecutor, his Agent, or his Attorney. s. 8.

And whereas there are several Cities, Towns Corporate, and Places which do not contribute to the Payment of any County Rate, and have no Town Rate or Public Stock; and Doubts may arise whether such Cities, Towns Corporate, and Places can be legally rated and assessed towards the Payments by this Act directed to be made; be it therefore enacted, that in all such Cases the said Costs, Charges, Expences, Sum and Sums of Money, and Compensations, shall be raised, levied, collected,

and paid within such Cities, Towns Corporate, and Places, by a separate Rate and Assessment, to be made by the Churchwardens and Overseers of the Poor of the several Parishes and Precincts within such Cities, Towns Corporate, and Places, and by such and the like Ways, Methods, and Means, as the Rates for the Relief of the Poor are, can, or may be raised, levied, and collected in such Cities, Towns Corporate, and Places. s. 9.

And whereas it may happen that the Sums of Money to be raised in the said Cities, Towns Corporate, and Places, or some or one of them, for the Payments by this Act directed to be made, may be so small that it may not be convenient to make an equal separate Rate and Assessment for the same upon the said Parishes and Precincts within such Cities, Towns Corporate, and Places; be it enacted, that in such last-mentioned case, and when and so often as the same shall happen, the said Costs, Charges, Expences, Sum and Sums of Money, and Compensations, shall and may, by Order of the said Court before whom any such Person may be tried as aforesaid, be paid out of the Monies from time to time raised for the Relief of the Poor in the said several Cities, Towns Corporate, and Places, and the Treasurers, or Persons from time to time having the Management of the said Monies raised for the Relief of the Poor in the same Cities, Towns Corporate and Places respectively, are hereby authorized and required to pay the said Sums of Money so ordered to be paid as aforesaid, out of the said last-mentioned Monies, when and as often as the same shall be so ordered: Provided always, that should there be more Parishes than one in the same District, the Payments are to be made and levied in such Rates and Proportions as the respective Parishes pay to the Poor Rate. s. 10.

Where sums are too small to be raised by a separate rate, such sums shall be paid out of the poor's rate.

The Stat. 14 G. 3. c. 46. which extended the Provisions of the Stats. 4 W. & M. c. 8., 6, 7 W. 3. c. 17., 5 Ann. c. 31., and 3 G. 1. c. 15. s. 4. (which latter Act relates only to the Mode of allowing to the Sheriff, on passing his Accounts, the Amount of the Rewards paid by him) to Offences therein mentioned, committed within the County Palatine of Durham, appears to be repealed by the Operation of the Act 58 G. 3. c. 70.

## Riots.

§ 1.  
Hale, P. C.  
1 vol. 496.

The Sheriff shall  
with the strength  
of the county,  
&c. repress riots.

Bro. Riots, 5.  
7 ed. 4. f. 18.  
Raym. 386.  
The Justices of  
the Peace and  
Sheriff, &c. shall  
with the power  
of the county  
arrest rioters and  
record the riot.

If defendants  
cannot be con-  
victed, the facts  
shall be certified  
to the Council.

Reciting that divers persons in Chester, Lancaster, and elsewhere in England, had made Assemblies in outrageous manner to accomplish their malice, against the King's Peace, his Crown, his Dignity, and the Laws of the Land. Wherefore it is defended to all the liege People, as well Lords as other, of whatsoever estate that they be, that none shall make such Assemblies, Riot, or Rumour against the Peace in no wise; and if any such Assembly be begun, as soon as the Sheriffs and other the King's Ministers may thereof have knowledge, they, with the strength of the County and Country where such case shall happen, shall set Disturbance against such Malice with all their Power, and shall take such Offenders and them put in Prison till the Execution of the Law be of them made; and that all Lords and other liege People of the Realm shall be attending and aiding with all their strength and power to the Sheriffs and Ministers aforesaid. 17 R. 2. c. 8.

Item, it is ordained and established, that if any Riot, Assembly, or Rout of People, against the Law, be made in Parties of this Realm, that the Justices of Peace, Three or Two of them at the least, and the Sheriff or Under Sheriff of the County where such Riot, Assembly, or Rout shall be made hereafter, shall come with the Power of the County (if need be) to arrest them, and shall arrest them; and the same Justices and Sheriff or Under Sheriff shall have Power to record that which they shall find so done in their presence against the Law; and that by the record of the same Justices and Sheriff, or Under Sheriff, such Trespassers and Offenders shall be convict in the same manner and form as is contained in the Statute of Forcible Entries; and if it shall happen that such Trespassers and Offenders be departed before the coming of the said Justices and Sheriff or Under Sheriff, that the same Justices, Three or Two of them, shall diligently enquire within a Month after such Riot, Assembly, or Rout of People so made, and thereof shall hear and determine according to the Law of the Land. 13 H. 4. c. 7.

And if the truth cannot be found in the manner as is aforesaid, then within a Month then next following the Justices, Three or Two of them, and the Sheriff or Under Sheriff shall certify before the King and his Council all the Deed and Circumstances thereof, which Certificate shall be of like force as the Presentment of Twelve; upon which Certificate the said Trespassers and Offenders shall be put to answer, and they

which shall be found guilty shall be punished according to the discretion of the King and his Council. s. 2.

And if such Trespassers and Offenders do traverse the matter so certified, the same Certificate and Traverse shall be sent into the King's Bench, there to be tried and determined as the Law requireth: and if the same Trespassers and Offenders do not appear before the King and his Council, or in the King's Bench, at the first Precept, then shall be another Precept directed to the Sheriff of the County to take the said Trespassers and Offenders, if they may be found, and to bring them at a certain Day before the King and his Council, or into the King's Bench; and if they cannot be found, that the Sheriff or Under Sheriff shall make Proclamation in his full County next ensuing the delivery of the second Precept, that they shall appear before the King and his said Council, or in the King's Bench, or in the Chancery, in the time of Vacation, within Three Weeks then next following; and in case the same Trespassers and Offenders come not as afore is said, and the Proclamation made and returned, they shall be convict and attainted of the Riot, Assembly, or Rout aforesaid, notwithstanding any Article or Ordinance made to the contrary. s. 3.

Defendants  
traversing.

And moreover that the Justices of Peace dwelling nighest in every County where such Riot, Assembly, or Rout of People shall be made hereafter, together with the Sheriff or Under-sheriff of the same County, and also the Justices of Assises for the time that they shall be there in their Session, in case any such Riot, Assembly, or Rout be made in their presence shall do execution of this Statute, every one upon Pain of an Hundred Pounds to be paid to the King as often as they shall be found in default of the execution of the same Statute. s. 4.

Who shall  
execute this  
statute.

Rast. 383.

Recital of Statute 13 H. 4. c. 7. and that the same had not been duly put in execution. If default be found in the said Two Justices of the Peace or Justices of Assises, and the Sheriff or Under Sheriff of the County where such Assembly, Riot, or Rout shall be made, touching the Execution that they ought to make by virtue of the said Statute, and whereof the said Statute maketh mention, that then at the instance of the Party grieved the King's Commission shall go out under his Great Seal, to enquire as well of the Truth of the Case and of the original Matter for the Party complainant, as of the Default or Defaults of the said Justices, Sheriff or Under Sheriff in this behalf supposed, to be directed to sufficient and

Commissions  
shall be awarded  
to inquire of the  
riots and the  
justices and  
sheriffs defaults.

4 Inst. 184.

The sheriff being supposed in default, the coroners shall return the jury panel.

Qualification of jurors and issues on them.

The Sheriff being discharged, the new Sheriff shall return the jury panel.

The Chancellor on learning such riots shall issue a writ to enquire thereof.

indifferent Persons, at the nomination and by the direction of the Chancellor of England; and that the said Commissioners presently shall return into the Chancery the Inquests and Matters before them in this behalf taken and found; and moreover that the Coroners of the same County for the time being, in which County such Riot, Assembly, or Rout shall be made, shall make the Panel upon the said Commission returnable for the time that the Sheriff so supposed in default shall continue in his Office, which Coroners shall return no Persons but only such which have Lands, Tenements, or Rents to the value of x l. by year at least; and also that the same Coroners shall return upon every of the said Persons empanelled at the First Day when issues be to be lost xx s. at the least, and at the Second Day xl s. at the least, and at the Third Day C s. at the least, and at every Day after, the Double at the least; which issues so returned by cause of Non-appearance of such Persons empanelled shall be adjudged as forfeit to the King, and leviable to his use; and if Default be found in the said Coroners touching the return of such Persons to be empanelled, or touching the return of such Issues as afore is said, that every of them shall forfeit to the King's use Forty Pounds; and if it happen that the said Sheriff, so reputed in default, be discharged of his Office at the time that such Commission shall be awarded out of the Chancery, that then the new Sheriff of the same County, his Successor mediate or immediate, for the time being, and not the Coroners of the same County, shall make the Panel upon this Commission, returnable in manner and form as the said Coroners should do in the time when the Sheriff so reputed in default, continued in his Office; and the same new Sheriff shall incur like Pain of Forty Pounds to the King if any default in him be found touching the return of other Persons by him empanelled, which have not Lands, Tenements, or Rents to the value of Ten Pounds by year, or of returning such Issues which the said Coroners be above charged to return, as the said Coroners are to lose to the King in this behalf; and that the Chancellor of England for the time being, as soon as he may have knowledge of such Riot, Assembly, or Rout, shall cause to be sent the King's Writ to the Justices of the Peace, and to the Sheriff or Under Sheriff of the County where they be so made, that they shall put the Statute in execution, upon the Pain contained in the same; and though that such Writ come not to the Justices, Sheriff or Under Sheriff, they shall not be excused of the



Pain aforesaid, if they make not execution of the said Statute.

2 H. 5. st. 1. c. 8.

Provided always, that the said Justices and other Officers aforesaid shall execute their Offices aforesaid at the King's Costs, in going and continuing and returning in doing their said Offices, by payment thereof to be made by the Sheriff of the same County for the time being, by Indentures betwixt the Sheriff and the said Justices and other Officers aforesaid, to be made of the payment aforesaid, whereof the said Sheriff upon his account in the Exchequer, may have due allowance; and that such Rioters attainted of great and heinous Riots shall have one whole Year's Imprisonment at the least, without being let out of prison by Bail, Mainprize, or in any other manner during the Year aforesaid; and that the Rioters attainted of petty Riots shall have Imprisonment as best shall seem to the King or to his Council; and that the Fines of such Rioters attainted shall be by the said Justices increased, and put to greater sums than they were wont to be put in such cases before this time, in aid and supportation of the Justices and other Officers aforesaid in this behalf; and that the King's liege people being sufficient to travel in the County where such Routs, Assemblies, or Riots be, shall be assistant to the Justices, Commissioners, Sheriff, or Under Sheriff of the same County, when they shall be reasonably warned to ride with the said Justices, Commissioners, and Sheriff or Under Sheriff, in aid to resist such Riots, Routs, and Assemblies, upon pain of Imprisonment, and to make fine and ransom to the King; and that the Bailiffs of Franchises shall cause to be impanelled sufficient persons as before, upon pain to lose to the King Forty Pounds, in case that such sufficient persons may be found within the same Franchises; and that like Ordinances and Pains shall hold place and take effect in Cities, Boroughs, and other Places and Towns enfranchised, which have Justices of the Peace within the Cities, Boroughs, and other Places aforesaid; and that this Statute shall begin to hold place presently after the proclamation thereof made. s. 2.

The county shall bear the charges of such enquiries.

The punishment of the rioters.

All persons shall be assistant to the Justices and Commissioners in repressing the riots.

Bailiffs of franchises shall impanel sufficient persons.

This Act shall extend to cities, boroughs, and towns corporate.

This Statute is made perpetual by Stat. 8 H. 6. c. 14. which also provides, that it be testified by two Justices of the Peace of the Counties where such Riots shall be supposed, that the Common Fame and Voice runneth in the same Counties of the same Riots, before that the Writ of Capias shall be awarded: Provided also, that if any such case happen in the County Palatine of Chester or elsewhere, in a place enfranchised, where there is a Chancellor and a Seal, that then the said Chancellor of such County

Justices shall make certificate of the common fame of such riots.

Proceedings in such cases in county palatine of Chester.

or Place enfranchised for the time being, after complaint to him duly made and testified by a Justice, or the Lieutenant of a Justice and Sheriff of such County Palatine or Place enfranchised, for the time being, in the form aforesaid, shall have like power to award a Capias and a Writ of Proclamation aforesaid, as the said Chancellor of England for the time being hath.

Qualification  
of jurors.

A recital of 13 H. 4. c. 7., all parts of which and of all other Statutes before that time made for the punishment of Rioters, being in force shall be put in execution. Jurors impannelled to try such Riots shall have 20s. of Charter Land or Freehold, or xxvj. viijd. of Copyhold over all Charges; and Issues upon such Jurors shall be returned at the first day xx s. and at the second day xl s. if they appear not at the first day; Sheriff or Under Sheriff making default forfeit xx li.; and if the Riot, Rout, or unlawful Assembly is not found by the Jury by reason of any Maintenance or Embracery of the said Jury, the Justices and Sheriff or Under Sheriff, above the Certificate which they must make, shall in that Certificate state the names of the Maintainers and Embracers, with the Misdemeanors that they know, which Certificate shall have the force of a Conviction by Twelve Men; and every person so convicted shall forfeit xx. li. and be committed to Ward, there to remain by the Discretion of the Justices. 19 H. 7. c. 13.

Certificate of  
maintenance,  
&c. by them.

Penalties on  
them therefore.

Extending pro-  
visions of former  
act to buildings  
and machinery  
used in any trade  
or wherein goods  
are deposited.

The Statute 52 G. 3. c. 130. intituled "An Act for the more effectual Punishment of persons destroying the Properties of his Majesty's subjects, and enabling the Owners of such Properties to recover damages for the injury sustained," recites the passing of the Statutes 1 G. 1. st. 2. c. 5. (1), 9 G. 1. c. 22. (2), 9 G. 3. c. 29. (3), 41 G. 3. U. K. c. 24. (4), and 43 G. 3. c. 58. (5), and that "it is expedient and necessary that more effectual Provision should be made for the protection of Property, not within the Provisions of the said Acts;" and then enacts, that if after the passing of this Act any person or persons unlawfully, riotously, and tumultuously assembled together in Disturbance of the public Peace, shall unlawfully and with force demolish or pull down, or begin to demolish or pull down, any Erection and Building, or Engine which shall be used or employed in the carrying on or conducting of any Trade or Manufactory, or any Branch or

(1) See this Act ante, under this title.

(2) See this Statute under title BLACK ACT.

(3) See this Act under title MILLS, § 1.

(4) See this Act under title MILLS, § 4.

(5) See this Act at length under title ASSAULT, I. § 2.

Department of any Trade or Manufactory of Goods, Wares, or Merchandize, of any kind or description whatsoever, or in which any Goods, Wares, or Merchandize shall be warehoused or deposited, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in cases of Felony without Benefit of Clergy. s. 2.

The person or persons injured or damnified by such demolishing or pulling down, wholly or in part, of any such Erection, Building, or Engine as aforesaid, shall be entitled to, and may and is and are hereby empowered to recover the value of such Erection, Building, or Engine, and of the Machinery belonging thereto, or used therein, which shall be destroyed in such demolishing as aforesaid, or the Amount of the Damage which may be done to any such Erection, Building, or Engine or Machinery aforesaid, in such tumultuous and riotous demolishing in part as aforesaid; and such Value or Damage shall and may be recovered, levied, raised, and reimbursed, in such manner and form, and by such ways and means as are particularly provided, directed, or referred to, in the said recited Act of the First Year of the Reign of his late Majesty King George the First, in respect of the several descriptions of Buildings therein mentioned. s. 3.

Value of, or damage done to manufactories and machinery therein, may be recovered as under 1 G. 1. c. 5.

Provided always, that no Person or Persons shall be enabled to recover any Damages by virtue of this Act, unless he or they, by themselves or by their Servants, within Two Days after such Damage or Injury done him or them by any such Offender or Offenders as aforesaid, shall give notice of such Offence done and committed unto some of the Inhabitants of some Town, Village or Hamlet, near unto the Place where any such Fact shall be committed, and shall within Four Days after such notice, give in his, her, or their Examination upon Oath, or the Examination upon Oath of his, her, or their Servant or Servants, that had the care of his or their Erections, Buildings, Engines, or Machinery so destroyed or damaged as aforesaid, before any Justice of the Peace of the County, Liberty, or Division where such Fact shall be committed, inhabiting within the said Hundred where the said Fact shall happen to be committed, or near unto the same, whether he or they do know the Person or Persons that committed such Fact, or any of them; and if upon such Examination it be confessed that he or they do know the Person or Persons that committed the said Fact, or any of them,

How to proceed to recover damages.

that then he or they so confessing shall be bound by Recognizance to prosecute such Offender or Offenders by Indictment or otherwise, according to the Law of this Realm: provided also, that no Person who shall sustain any Damage by reason of any Offence to be committed by any Offender contrary to this Act, shall be thereby enabled to sue or bring any Action against any Inhabitants of any Hundred where such Offence shall be committed, except the Party or Parties sustaining such Damage shall commence his or their Action or Suit within One Year next after such Offence shall be committed: provided nevertheless, that the notice hereby required may and shall be given in Scotland to the Sheriff or Steward Depute or Substitute of the County or Stewartry where such Fact shall happen to be committed, in order that such Measures may be taken as the Law of Scotland prescribes in such cases. 52 G. 3. c. 130. s. 4.

As to the Offence of riotously demolishing MILLS, see that title; and as to burning any Buildings used in the Management of any Trade or Manufactory, see title MANUFACTORIES AND MANUFACTURES, II.; and as to Damages done by Seditious Riotous Assemblies, see the Statute 57 G. 3. c. 19. s. 38. under title SEDITION.

§ 2.

The Statute 1 G. 1. st. 2. c. 5. intituled “An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters,” reciting that “whereas of late many rebellious Riots and Tumults have been in divers Parts of this Kingdom, to the Disturbance of the public Peace and the endangering of his Majesty’s Person and Government, and the same are yet continued and fomented by persons disaffected to his Majesty, presuming so to do, for that the Punishments provided by the Laws now in being are not adequate to such heinous Offences; and by such Rioters his Majesty and his Administration have been most maliciously and falsely traduced, with an intent to raise Divisions and to alienate the Affections of the People from his Majesty:” and then “for the preventing and suppressing of such Riots and Tumults, and for the more speedy and effectual punishing the Offenders therein,” enacts, that if any persons to the Number of Twelve or more being unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the public Peace, at any time after the last Day of July 1715, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County, or his Under Sheriff, or by the Mayor, Bailiff or Bailiffs, or other Head Officer, or Justice of the Peace of any

Twelve persons or more being unlawfully and riotously, &c. assembled, and being required by proclamation by one Justice, the Sheriff, &c. to depart, continuing together

City or Town Corporate, where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form hereinafter directed, to disperse themselves and peaceably to depart to their Habitations, or to their lawful Business, shall, to the Number of Twelve or more (notwithstanding such Proclamation made), unlawfully, riotously, and tumultuously remain or continue together, by the space of One Hour after such Command or Request made by Proclamation, that then such continuing together to the Number of Twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. s. 1.

for the space of one hour afterwards, shall be guilty of felony without benefit of clergy.

The Order and Form of the Proclamations that shall be made by the Authority of this Act, shall be as hereafter followeth; (that is to say) the Justice of the Peace, or other Person authorized by this Act to make the said Proclamation, shall, among the said Rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, Silence to be while Proclamation is making, and after that shall openly and with loud Voice make, or cause to be made, Proclamation in these Words, or like in Effect:

Mode of making such proclamation.

“ Our Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves and peaceably to depart to their Habitations, or to their lawful Business, upon the Pains contained in the Act made in the First Year of King George, for preventing Tumults and riotous Assemblies. “ God save the King.”

Form of such proclamation.

And every such Justice and Justices of the Peace, Sheriff, Under Sheriff, Mayor, Bailiff, and other Head Officer aforesaid, within the limits of their respective Jurisdictions, are hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous Assembly, to resort to the Place where such unlawful, riotous, and tumultuous Assembly shall be, of Persons to the number of Twelve or more, and there to make, or cause to be made, Proclamation in manner aforesaid. s. 2.

Justices, Sheriff, &c. on notice of riot shall resort to the place.

If such Persons so unlawfully, riotously, and tumultuously assembled, or Twelve or more of them, after Proclamation made in manner aforesaid, shall continue together, and not disperse themselves within One Hour, that then it shall and may be lawful to and for every Justice of the Peace, Sheriff, or Under Sheriff of the County where such Assembly shall be, and also to

Persons so assembled not dispersing after proclamation, may be apprehended and taken before a Justice.

Persons killing or maiming offenders in endeavouring to apprehend them, indemnified.

and for every High or Petty Constable, and other Peace Officer within such County, and also to and for every Mayor, Justice of the Peace, Sheriff, Bailiff, and other Head Officer, High or Petty Constable, and other Peace Officer of any City or Town Corporate where such Assembly shall be, and to and for such other Person and Persons as shall be commanded to be assisting unto any such Justice of the Peace, Sheriff, or Under Sheriff, Mayor, Bailiff, or other Head Officer aforesaid, (who are hereby authorized and empowered to command all his Majesty's Subjects of age and ability to be assisting to them therein), to seize and apprehend, and they are hereby required to seize and apprehend, such Persons so unlawfully, riotously, and tumultuously continuing together after Proclamation made as aforesaid, and forthwith to carry the Persons so apprehended before One or more of His Majesty's Justices of the Peace of the County or Place where such Persons shall be so apprehended, in order to their being proceeded against for such their Offences according to Law; and that if the Persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the Persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such Justice of the Peace, Sheriff, Under Sheriff, Mayor, Bailiff, Head Officer, High or Petty Constable, or other Peace Officer, and all and singular Persons being aiding or assisting to them, or any of them, shall be free, discharged, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or hurting of any such Person or Persons, so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt, as aforesaid. 1 G. 1. st. 2. c. 5. s. 3.

Persons so unlawfully assembled with force demolishing, &c. or beginning to demolish any place of public worship, registered according to 1 W. & M. c. 18. or any house, &c. guilty of felony without clergy.

If any persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the public Peace, shall unlawfully and with Force demolish or pull down, or begin to demolish or pull down, any Church or Chapel, or any Building for religious Worship certified and registered according to the Statute made in the First Year of the Reign of the late King William and Queen Mary, intituled "An Act for exempting their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws," or any Dwelling-house, Barn, Stable, or other Outhouse; that then every such



demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged Felony without Benefit of Clergy; and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony, without Benefit of Clergy. s. 4.

If any person or persons do or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly lett, hinder, or hurt any person or persons that shall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made, whereby such Proclamation shall not be made; that then every such opposing, obstructing, letting, hindring, or hurting such person or persons so beginning or going to make such Proclamation as aforesaid, shall be adjudged Felony without Benefit of Clergy, and the offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy; and that also every such person and persons so being unlawfully, riotously, and tumultuously assembled, to the number of Twelve, as aforesaid, or more, to whom Proclamation should or ought to have been made, if the same had not been hindred as aforesaid, shall likewise, in case they, or any of them, to the number of Twelve or more, shall continue together and not disperse themselves within one hour after such Lett or Hindrance so made, having knowledge of such Lett or Hindrance so made, shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. s. 5.

Forcibly opposing or hurting any person endeavouring to make proclamation, felony without clergy;

and persons to the number of twelve or more, continuing together for one hour after such opposition, &c. guilty of felony without clergy.

If after the said last Day of July 1715, any such Church or Chapel, or any such Building for Religious Worship, or any such Dwelling-house, Barn, Stable, or other Outhouse, shall be demolished or pulled down, wholly or in part, by any persons so unlawfully, riotously, and tumultuously assembled; that then in case such Church, Chapel, Building for Religious Worship, Dwelling-house, Barn, Stable, or Outhouse, shall be out of any City or Town that is either a County of itself, or is not within any Hundred, that then the Inhabitants of the Hundred in which such Damage shall be done shall be liable to yield Damages to the person or persons injured and damnified by such demolishing or pulling down wholly or in part; and such Damages shall and may be recovered by Action to be brought in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or any Imparlance, shall be allowed, by the person or persons damnified thereby, against any two or more of the Inhabitants of such Hundred; such Action for Damages to any Church or Chapel to be brought in the

Hundreds shall yield damages for churches, houses, &c. wholly or in part demolished;

to be recovered by action;

such action for damages to any church, &c. to

be brought in  
the name of the  
rector, &c.

Damages to be  
raised as under  
27 Eliz.

name of the Rector, Vicar, or Curate of such Church or Chapel that shall be so damnified, in Trust for applying the Damages to be recovered in rebuilding or repairing such Church or Chapel; and that Judgment being given for the Plaintiff or Plaintiffs in such Action, the Damages so to be recovered shall, at the request of such Plaintiff or Plaintiffs, his or their Executors or Administrators, be raised and levied on the Inhabitants of such Hundred, and paid to such Plaintiff or Plaintiffs, in such Manner and Form, and by such Ways and Means as are provided by the Statute made in the Seven and twentieth Year of the Reign of Queen Elizabeth, for reimbursing the person or persons on whom any Money recovered against any Hundred by any Party robbed, shall be levied; and in case any such Church, Chapel, Building for Religious Worship, Dwelling-house, Barn, Stable, or Outhouse, so damnified, shall be in any City or Town that is either a County of itself or is not within any Hundred, that then such Damages shall and may be recovered by Action to be brought in manner aforesaid, wherein no Essoign, Protection, or Wager of Law, or any Imparlance shall be allowed, against Two or more Inhabitants of such City or Town; and Judgment being given for the Plaintiff or Plaintiffs in such Action, the Damages so to be recovered shall, at the request of such Plaintiff or Plaintiffs, his or their Executors or Administrators, made to the Justices of the Peace of such City or Town, at any Quarter Sessions to be holden for the said City or Town, be raised and levied on the Inhabitants of such City or Town, and paid to such Plaintiff or Plaintiffs, in such Manner and Form, and by such Ways and Means as are provided by the said Statute [27 Eliz.] for reimbursing the Person or persons on whom any Money recovered against any Hundred by any Party robbed, shall be levied. 1 G. 1. st. 2. c. 5. s. 6.

Act shall be read  
at Quarter Ses-  
sions, &c.

Prosecutions  
shall be within  
twelve months.

Civil authorities  
in Scotland shall  
have power to  
put this Act in  
execution there;

This Act shall be openly read at every Quarter Sessions, and at every Leet or Law Day. s. 7.

Provided that no person or persons shall be prosecuted by virtue of this Act for any Offence or Offences committed contrary to the same, unless such Prosecution be commenced within Twelve Months after the Offence committed. s. 8.

The Sheriffs and their Deputies, Stewarts and their Deputies, Baillies of Regalities and their Deputies, Magistrates of Royal Burroughs, and all other inferior Judges and Magistrates, and also all High or Petty Constables, or other Peace Officers, of any County, Stewartry, City, or Town within that part of Great Britain called Scotland, shall have the same Powers and Autho-

rity for putting this present Act in execution within Scotland, as the Justices of the Peace and other Magistrates aforesaid respectively have by virtue of this Act within and for the other parts of this Kingdom; and that all and every person and persons who shall at any time be convicted of any the Offences aforesaid, within that part of Great Britain called Scotland, shall for every such Offence incur and suffer the pain of Death and Confiscation of Moveables; and also that all Prosecutions for repairing the Damages of any Church or Chapel, or any Building for Religious Worship, or any Dwelling House, Barn, Stable, or Outhouse, which shall be demolished or pulled down in whole or in part, within Scotland, by any persons unlawfully, riotously, or tumultuously assembled, shall and may be recovered by summar Action, at the instance of the party aggrieved, his or her Heirs or Executors, against the County, Stewartry, City, or Burrough respectively where such Disorders shall happen, the Magistrates being summoned in the ordinary form, and the several Counties and Stewartries called by Edictal Citation at the Market Cross of the Head Burrough of such County or Stewartry respectively, and that in general, without mentioning their names and designations. s. 9.

and offenders against this Act in Scotland shall suffer death, &c.

Actions for damages in Scotland how to be proceeded in.

Provided, that this Act shall extend to all places for Religious Worship in that part of Great Britain called Scotland which are tolerated by Law, and where his Majesty King George, the Prince and Princess of Wales, and their Issue, are prayed for in express words. s. 10.

To what places of religious worship in Scotland this Act shall extend.

## **Rivers.**

No Town nor Freeman shall be distrained to make Bridges nor Banks, but such as of old time and of right have accustomed to make them in the time of King Henry our Grandfather. 9 H. 3. c. 15.

Towns, &c. shall not be distrained to make bridges or banks but such as have been accustomed to make them.

No Banks shall be defended from henceforth, but such as were in defence in the time of King Henry our Grandfather, by the same places and the same bounds as they were wont to be in his time. 9 H. 3. c. 16.

New made banks shall not be defended.

If any person or persons from and after 24th June 1723, and during the continuance of 9 G. 1. c. 22. and 12 G. 1. c. 30. (which are made perpetual by 31 G. 2. c. 42.) shall unlawfully and maliciously break down or cut down the Bank or Banks of any River, or any Sea Bank, whereby any Lands shall be overflowed or damaged, every person so offending, being thereof

Maliciously destroying banks of rivers or sea-banks, declared to be felony without clergy.

lawfully convicted, shall be adjudged guilty of Felony and shall suffer Death as in cases of Felony, without Benefit of Clergy. 6 G. 2. c. 37. s. 5.

This Act is made perpetual by 31 G. 2. c. 42. s. 3.

Provisions and Powers, &c. of 9 G. 1. c. 22. extended to cases of offences committed by destroying river or sea-banks.

The Statute 10 G. 2. c. 32. s. 4., made perpetual by 31 G. 2. c. 42. s. 6., enacts, that all the provisions made in the Act of 9 G. 1. c. 22. for the more speedy and easy bringing the Offenders against the said Act to Justice, and the persons who shall conceal, aid, abet, or succour such Offenders, and for making satisfaction and amends to all and every the person and persons, their Executors and Administrators, for the Damages they shall have sustained or suffered by any Offender or Offenders against the said Act, and for the encouragement of persons to apprehend and secure such Offender and Offenders, and for the better and more impartial Trial of any Indictment or Information which shall be found, commenced, or prosecuted for any of the Offences committed against the said Act, together with all restrictions, limitations, and mitigations by the said Act directed, shall, during the continuance of the said Act, extend to and be of force and effect in all cases of Offences committed by unlawfully and maliciously breaking down or cutting down the Bank or Banks of any River, or any Sea Bank, whereby any Lands shall be overflowed or damaged.

Persons wilfully damaging works on navigable rivers, shall be guilty of felony, and be transported for seven years.

The Statute 4 G. 3. c. 12. s. 5. reciting that "the Laws now in being are not sufficient for the preservation of Banks, Flood Gates, Sluices, and other Works belonging to Rivers and Streams made navigable by Act of Parliament; and for the maintaining the Navigation on such Rivers and Streams," enacts, that if any person or persons shall wilfully or maliciously break, throw down, damage, or destroy any Banks, Flood Gates, Sluices, or other Works, or open or draw up any Flood Gate or Flood Gates, or do any other wilful hurt or mischief to any such Navigation, so as to obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining such Navigation, every such person or persons shall be adjudged guilty of Felony; and the Court before whom such person or persons shall be tried and convicted, shall and hereby have Power and Authority to order such person or persons to be transported for Seven Years.

## Royal Family.

The Stat. 12 G. 3. c. 11. reciting that His Majesty had recommended to the Consideration of Parliament, "whether it might not be wise and expedient to supply the Defect of the Laws now in being, and by some new Provision, more effectually to guard the Descendants of His Majesty King George the Second (other than the Issue of Princesses who have married or may hereafter marry into Foreign Families) from marrying without the Approbation of his Majesty, his Heirs and Successors, first had and obtained;" and further reciting, that the Parliament "being sensible that Marriages in the Royal Family are of the highest Importance to the State, and that therefore the Kings of this Realm have ever been entrusted with the Care and Approbation thereof;" enacts, that no Descendant of the Body of his late Majesty King George the Second, Male or Female (other than the Issue of Princesses who have married or may hereafter marry into foreign Families) shall be capable of contracting Matrimony without the previous Consent of his Majesty, his Heirs or Successors, signified under the Great Seal and declared in Council (which Consent to preserve the memory thereof, is hereby directed to be set out in the Licence and Register of Marriage, and to be entered in the Books of the Privy Council); and that every Marriage or Matrimonial Contract of any such Descendant, without such Consent first had and obtained, shall be null and void to all Intents and Purposes whatsoever.

Descendants of George 2. shall not marry without the consent of the King in Council;

such marriages otherwise had shall be void.

Provided always, that in case any such Descendant of the Body of his late Majesty George the Second, being above the Age of twenty-five Years, shall persist in his or her Resolution to contract a Marriage disapproved of or dissented from by the King, his Heirs or Successors, that then such Descendant, upon giving Notice to the King's Privy Council, which Notice is hereby directed to be entered in the Books thereof, may at any time from the Expiration of Twelve Calendar Months after such Notice given to the Privy Council as aforesaid, contract such Marriage, and his or her Marriage with the Person before proposed and rejected may be duly solemnized without the previous Consent of his Majesty, his Heirs or Successors, and such Marriage shall be good as if this Act had never been made, unless both Houses of Parliament shall, before the Expiration of the said Twelve Months, expressly declare their Disapprobation of such intended Marriage. s. 2.

In case of the King's dissent, the party may give notice to the Privy Council.

Persons assisting such prohibited marriages incur a premunire.

By s. 3. every Person who shall knowingly or wilfully presume to solemnize, or to assist or to be present at the Celebration of any Marriage with any such Descendant, or at his or her making any Matrimonial Contract, without such Consent as aforesaid first had and obtained, except in the Case above mentioned, shall, being duly convicted thereof, incur and suffer the Pains and Penalties ordained and provided by the Statute of Provision and Premunire [16 R. 2.]

## Sea Banks.

Offenders breaking down, &c. the head of any river or sea-bank, ousted of clergy.

If any person or persons from and after the 24th June 1723, and during the continuance of the Statutes 9 G. 1. c. 22. and 12 G. 1. c. 30. (which are made perpetual by 31 G. 2. c. 42.), shall unlawfully and maliciously break down or cut down the Bank or Banks of any River or any Sea Bank, whereby any Lands shall be overflowed or damaged, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in case of Felony without Benefit of Clergy. 6 G. 2. c. 37. s. 5.

This Act is made perpetual by 31 G. 2. c. 42. s. 3.

By the Statute 10 G. 2. c. 32. s. 4. (1) certain of the Provisions of the Statute 9 G. 1. c. 22. are extended to all cases of Offences committed by unlawfully and maliciously breaking down or cutting down any Sea Bank, whereby any Lands shall be overflowed or damaged.

By s. 5. of the same Statute 10 G. 2. c. 32. a summary Jurisdiction is given to one Magistrate to punish persons destroying or taking away Piles, Chalk, or other Materials from Sea Banks or Walls, by imposing a Penalty of Twenty Pounds on such Offender. (2)

## Seamen.

§ 1. *Regulations for preventing Frauds, Felonies, and Abuses relative to the Payment of Wages, and Prize or Bounty Money of Officers, Non-commissioned Officers, Seamen, and Marines.*

§ 2. *The Offence of leaving Seamen abroad, or refusing to bring them Home.*

(1) Which see at length under title RIVERS.

(2) See East, P. C. 1086, 1087.



The Statute 35 G. 3. c. 28. to enable Petty Officers in the Navy and Seamen, Non-commissioned Officers of Marines and Marines serving in his Majesty's Navy, to allot part of their Pay for the Maintenance of their Wives and Families; enacts (by s. 30.), that if any person or persons after 1 May 1795, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act and assist in the false making, forging, or counterfeiting any such Declaration or Order for Payment, or any Certificate or Receipt herein-before described or mentioned, or shall utter or publish as true any such false and forged Declaration, Order, Certificate, or Receipt, to enable any person or persons to obtain Payment of any Wages or Pay, or any Part thereof, allotted as before mentioned by any Petty Officer, Seaman, Landman, Non-commissioned Officer of Marines, or Marine, to be paid to or for his Wife and Children or Mother, in manner herein-before mentioned, then every such person or persons being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

§ 1.  
Persons forging or causing, &c. or assisting in forging orders, certificates, or receipts herein mentioned, ousted of clergy.

The Statute 35 G. 3. c. 94. establishing a more easy and expeditious method for the punctual and frequent Payment of the Wages and Pay of certain Officers belonging to his Majesty's Navy, enacts (by s. 34.) that if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act and assist in the false making, forging or counterfeiting, any Order, Bill, Extract, or Certificate herein-before described or mentioned, or shall utter and publish as true any false, forged, or counterfeited Order, Bill, Extract, or Certificate herein-before described or mentioned, knowing the same to be false, forged, or counterfeited for the purpose of defrauding the Public, or any Commissioned Officer, Master, or Surgeon of the Navy, Widow, or other person herein-before mentioned, of any Wages or Pay, Half Pay, Pension, or Bounty payable to them or any of them respectively, every such person being lawfully convicted thereof according to due course of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

Persons forging any order, bill, &c. herein mentioned, or uttering same knowingly, ousted of clergy.

The Statute 54 G. 3. c. 93. intituled "An Act for regulating the Payment of Navy Prize Money," by s. 89. recites s. 24. of 31 G. 2. c. 10. and s. 6. of 9 G. 3. c. 30. (both of which sections are repealed by the Statute 55 G. 3. c. 60. which see post); and that Doubts have

Offenders personating or assuming the character, &c. of officers, seamen, &c. in the royal navy, to receive prize money, wages, &c.

or forging letters of attorney, &c. wills, or powers;

or taking false oath to procure probates, &c.;

or uttering forged letters of attorney, &c. wills, or powers,

with intent to defraud any corporation,

arisen whether the Punishment inflicted by the said two recited Acts of Parliament on persons guilty of the several Offences therein mentioned, extends to such Offences when committed with an intention to defraud any Corporation; and then enacts, that from and after the passing of this Act, whosoever willingly and knowingly shall personate or falsely assume the Name or Character of, or procure any other to personate or falsely to assume the Name or Character of any Officer, Seaman, or other person entitled, or supposed to be entitled to any Wages, Pay, or other Allowances of Money, or Prize Money for Service done on board of any Ship or Vessel of his Majesty, his Heirs or Successors, or the Executor or Administrator, Wife, Relation, or Creditor of any such Officer or Seaman, or other person, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or supposed to be due or payable for or on account of the Services of any such Officer or Seaman, or other person as aforesaid; or shall forge or counterfeit, or procure to be forged or counterfeited, any Letter of Attorney, Bill, Ticket, Certificate, Order, Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any such Wages, Pay, or other Allowances of Money, or Prize Money, which shall be due or supposed to be due to any such Officer or Seaman, or other person as aforesaid; or shall willingly and knowingly take a false Oath, or procure any other person to take a false Oath, to obtain the Probate of any Will or Wills, or to obtain Letters of Administration in order to receive the Payment of any Wages, Pay, or other Allowances of Money or Prize Money, which shall be due or be supposed to be due to any such Officer, Seaman, or other person as aforesaid, who shall have really served, or shall be supposed to have served on board of any Ship or Vessel of his Majesty, his Heirs or Successors; or if any person shall from and after the passing of this Act utter or publish as true any false, forged, or counterfeited Letter of Attorney, Bill, Ticket, Certificate, Order, or Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any Wages, Pay, or other Allowances of Money or Prize Money, due or supposed to be due to any Officer or Seaman, or other person who shall have really served, or shall be supposed to have served, or shall hereafter serve, or be supposed to have served on board of any Ship or Vessel of his Majesty, his Heirs or Successors, with intent to defraud any Corporation whatsoever, knowing the same to be

false, forged, or counterfeited; every such person, being thereof lawfully convicted, shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. ousted of clergy.

By s. 86. of the foregoing Act, where the Offence of taking a false Oath or suborning any person so to do, or any of the Offences by this Act made cognizable in any of his Majesty's Courts of Record in Great Britain, shall be committed out of this Realm, the same may be alleged to be committed, and may be laid, enquired of, tried, and determined in any County in England. Offences committed out of the realm may be tried in any county.

By s. 43. if any Person shall insert or cause to be inserted in any Order or Authority for receiving Prize or Bounty Money, after attestation thereof as herein-before directed, the Name or Description of any Prize or Bounty Money, other than what shall have been originally expressed in the said Order or Authority when the same shall have been attested, the said Person shall, for every such Offence, be deemed guilty of a Misdemeanor, and be punished accordingly. Persons altering orders, &c. for prize money, shall be guilty of a misdemeanor.

By s. 57. any Person who shall falsely represent himself or herself to be within any of the Degrees of Relationship in Blood as before directed, in order to enable himself or herself to receive any Prize Money or Bounty Money, or Share of Prize Money or Bounty Money due or to grow due for or on account of the Services of any such Petty Officer, Non-commissioned Officer, Seaman, or Marines, under any such Order as aforesaid, or who, not being within any such Degree of Relationship, and not being licensed as aforesaid, shall receive any Wages, Pay, Prize Money, Bounty Money or other Allowances of Money for the Use of any such Petty Officer, Non-commissioned Officer, Seaman or Marine; or if any Agent or Person whose Licence shall have been revoked as herein-after mentioned, shall offer himself to receive or shall receive any such Wages, Pay, Prize Money, Bounty Money, or other Allowance of Money, not being within any of the Degrees of Relationship aforesaid, and be thereof duly convicted, shall be deemed guilty of a Misdemeanor. Persons fraudulently receiving prize money, and agents so acting, shall be guilty of a misdemeanor.

By s. 86. where any Offence by this Act made cognizable in any Court of Record in Great Britain, shall be committed out of this Realm, the same may be alleged to be committed, and may be laid, enquired of, tried and determined in any County in England. Offences committed abroad may be tried in any county.

The Statute 55 G. 3. c. 60. s. 1. repeals 9, 10 W. 3. c. 41. s. 3, 6.—20 G. 2. c. 24. s. 6.—31 G. 2. c. 10. s. 21, A repeal of certain statutes.

22, 23, 24.—9 G. 3. c. 30. s. 5, 6.—26 G. 3. c. 63.—32 G. 3. c. 34.—32 G. 3. c. 67. s. 14, 16.—49 G. 3. c. 108. s. 1, 2, 3, 4, 5, 6, 10, 17. and 54 G. 3. c. 93. s. 7. for preventing Frauds and Felonies being committed in the Payment of Seamen's Wages, Prize Money, &c. and of those of Non-commissioned Officers of Marines and Marines.

Petty officers, &c. or seamen forging certificates, how punishable.

By s. 29. it is enacted, that if any Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, shall receive his Pay, or shall attempt to receive the same, or any Part thereof, upon any Certificate purporting to be a Certificate of Servitude, or a Certificate of Discharge, knowing the same to be forged or counterfeited; or if any such Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or any other Person, shall falsely make, forge, or counterfeit, or cause or procure to be falsely, made, forged, or counterfeited, or shall willingly act or assist in the false making, forging, or counterfeiting of any such Certificate; every such Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, or other Person, being thereof lawfully convicted, shall be punished as in Cases of wilful and corrupt Perjury.

Persons falsely representing the next of kin of any deceased petty officer, &c. or seaman,

If any Person shall sign or subscribe any Petition or Application to the Treasurer or Paymaster of his Majesty's Navy for the time being, falsely and wilfully representing herself or himself to be the Widow or the nearest or one of the nearest of kindred of any deceased Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, who shall have belonged to or served on board any of his Majesty's Ships or Vessels, or utter or publish any such Petition or Application so signed or subscribed as aforesaid, containing such false and wilful Representation as aforesaid, in order to obtain a Certificate from the Inspector of Seamen's Wills and Powers, to procure Letters of Administration to the Effects of any such Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, or to procure Payment of any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money under Twenty Pounds, for or in respect of Services on board any Ship or Vessel of his Majesty, his Heirs or Successors; or if any Person or Persons shall demand or receive any Wages, Pay, Prize Money, Bounty Money, or other Allowance of Money due or supposed to be due for or in respect of the Services of any such Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, upon or by virtue of any Certificate from the said Inspector of Seamen's Wills, knowing such Certificate to have been obtained by false

or demanding wages, &c. under a false certificate,

Representation or Pretences; every such Person shall on being convicted of any such Offence in due Form of Law, be transported beyond the Seas for the Term of Seven Years, in like Manner as Persons convicted of Felony are directed to be transported by the Laws and Statutes of this Realm. s. 30.

shall be transported.

If any Person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act and assist in the false making, forging, or counterfeiting the Signature of any Minister or Householder of any Parish, to any Certificate annexed or subjoined to or contained in any Check or Petition for a Certificate as required, described, and mentioned in this Act, to enable any Person or Persons to obtain Probate of any Will or Letters of Administration to any such Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine; or shall utter or publish as true any such Certificate annexed or subjoined to or contained in any such Check or Petition, with any false, forged, or counterfeited Signature of any such Minister or Householder of any Parish subscribed thereto, knowing the same Signature to be false, forged, or counterfeited, with intention to defraud any Person or Persons, Body or Bodies Politic or Corporate whatsoever, then every such Person so offending, and being thereof convicted by due course of Law, shall be deemed guilty of Felony, and shall be transported as a Felon, for the Term of his or her natural Life, or for the Term of Fourteen Years or Seven Years, as the Court before which such Offender or Offenders shall be tried shall adjudge. s. 31.

Persons forging names of ministers or householders to any certificate, shall be guilty of felony.

If any Person or Persons shall willingly or knowingly personate or falsely assume, or cause or procure any other Person to personate or falsely assume, the Name or Character of any Commission, Warrant, or Petty Officer or Seaman, or any Commissioned or Non-commissioned Officer of Marines, or Marine, or any other Person entitled or supposed to be entitled to any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money, for or in respect of Services performed or supposed to have been performed on board of any Ship or Vessel of his Majesty, his Heirs or Successors, or the Wife, Widow, Executor or Administrator, Relation or Creditor of any such Officer, Seaman, or other Person as aforesaid, in order to receive any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money due or supposed to be due for or in respect of the Services of any such Officer, Seaman, Marine, or other

Offenders personating or falsely assuming the name, &c. of petty officers, &c. seamen or marines, or their wife, &c. or creditor, &c.;

or forging any letter of attorney, &c. certificate, &c. or last will, or uttering same;

Person as aforesaid, performed or supposed to have been performed on board of any Ship or Vessel of his Majesty, his Heirs or Successors; or shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any Letter of Attorney, Bill, Ticket, or Certificate purporting to be a Certificate from the Inspector of Seamen's Wills and Powers, or his Assistant, Assignment, last Will, or other Power or Authority whatsoever, in order to receive, or to enable any other Person to receive any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money, due or supposed to be due for or in respect of the Services of any such Officer, Seaman, Marine, or other Person as aforesaid, performed or supposed to have been performed on board of any Ship or Vessel of his Majesty, his Heirs or Successors, with intention to defraud any Person or Persons, Body or Bodies Politic or Corporate whatsoever; or shall utter or publish as true any false, forged, counterfeited, or altered Letter of Attorney, Bill, Ticket, Certificate purporting to be a Certificate from the Inspector of Seamen's Wills and Powers or his Assistant, Assignment, last Will, or other Power or Authority whatsoever, in order to receive any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money due or supposed to be due for or in respect of the Services of any such Officer, Seaman, Marine, or other Person as aforesaid, performed or supposed to have been performed on board of any Ship or Vessel of his Majesty, his Heirs or Successors, with intention to defraud any Person or Persons, Body or Bodies Politic or Corporate whatsoever, knowing the same to be false, forged, counterfeited, or altered; or shall willingly and knowingly take a false Oath, or cause or procure any other Person to take a false Oath, to obtain the Probate of any Will or Wills, or to obtain Letters of Administration in order to receive or to enable any other Person to receive any Wages, Pay, Prize Money, Bounty Money or other Allowances of Money due or supposed to be due for or in respect of the Services of any such Officer, Seaman, Marine, or other Person as aforesaid, performed or supposed to have been performed on board of any Ship or Vessel of his Majesty, his Heirs or Successors; or shall demand or receive any Wages, Pay, Prize Money, Bounty Money, or other Allowances of Money due or supposed to be due for or in respect of the Services of any such Officer, Seaman, Marine, or other Person as

or taking a false oath to procure probate of will, &c.;

or demanding or receiving wages upon such probate, etc.



aforesaid, performed or supposed to have been performed on board of any of his Majesty's Ships or Vessels, upon or by virtue of any Probate of any Will or Letters of Administration, knowing the Will on which such Probate shall have been obtained to be false, forged, and counterfeited, or knowing the Probate of such Will or such Letters of Administration as last aforesaid, to have been obtained by means of any such false Oath as aforesaid, with intention to defraud any Person or Persons, Body or Bodies Politic or Corporate whatsoever; then every such Person or Persons so offending, and being thereof convicted according to due course of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. 55 G. 3. c. 60. s. 32. ousted of clergy.

And whereas Doubts have arisen as to the Persons who come within the description of Petty Officers and others in his Majesty's Navy, and Non-commissioned Officers of Marines, within the Provisions of the several Acts herein-before recited; be it therefore enacted, that for the purposes of this Act, all and every part of the Complement of every Ship or Vessel in his Majesty's Navy, shall be and are hereby declared to be Petty or Inferior Officers, Seamen, Non-commissioned Officers of Marines, or Marines, excepting such as appear by the Books of such Ships to be Admirals or Flag Officers, Captains, Lieutenants, Masters, Second Masters and Pilots, Physicians, Surgeons, Assistant Surgeons, Chaplains, Secretaries to Flag Officers and their Clerks, Purser, Boatswains, Gunners, Carpenters, and Commissioned Officers of Marines. s. 33. Who shall be deemed petty officers, etc.

No Agent or other Person licensed by the Treasurer of his Majesty's Navy, pursuant to the directions of the before-mentioned Act, [49 G. 3. c. 123. s. 37.] shall after his Licence hath expired or been revoked, be entitled to receive Wages, Pay, Prize Money, Bounty Money, or other allowances of Money belonging to any Petty Officer or Seaman, Non-commissioned Officer of Marines, or Marine, by virtue of any Power of Attorney, or any Order or Orders given to or received by him during the time in which his Licence was in force, but that such powers of Attorney and Orders shall be null, void, and of no effect; and any Agent or Agents who shall, after the expiration or revocation of his Licence, receive or demand any such Wages, Pay, Prize Money, Bounty Money, or other allowances of Money as aforesaid, unless the said Treasurer shall have renewed such Licence, shall be guilty of a Misdemeanor, and being thereof lawfully Agent receiving money, etc. after the expiration or revocation of his licence, shall be guilty of a misdemeanor.

convicted, shall be punished as in cases of Misdemeanor, by Fine and Imprisonment, or both, at the discretion of the Court before which any such person shall be convicted. 55 G. 3. c. 60. s. 39.

By s. 69. of 54 G. 3. c. 93. and s. 19. of 55 G. 3. c. 60. Persons guilty of Perjury, or Subornation thereof, or false Affirmations, shall be subject to the same Pains, &c. as Persons guilty of wilful and corrupt Perjury, or Subornation thereof, are by Law subject and liable to.

By s. 55. the Treasurer and Commissioners of the Navy for the time are authorized to act as Justices of the Peace in all respects with relation to Offences mentioned in the Act, and all Constables, &c. and other Officers are required to perform and obey all Warrants, &c.; and all Laws made for the Care, Safety, and Protection of Justices of the Peace in the execution of their Office, are extended to such Treasurer and Commissioners, and to all Persons acting under their Warrant or Authority.

## § 2.

Penalty on masters of merchant vessels forcing seamen on shore, or neglecting or refusing to bring them home.

In case any Master of a Merchant Ship or Vessel shall, after 29th Sept. 1700, during his being abroad, force any Man on Shore, or wilfully leave him behind in any of his Majesty's Plantations or elsewhere, or shall refuse to bring home with him again all such of the Men which he carried out with him as are in a condition to return when he shall be ready to proceed in his homeward bound Voyage, every such Master shall, being thereof legally convicted, suffer Three Months Imprisonment without Bail or Mainprize. 11, 12 W. 3. c. 7. s. 18.

This Act is made perpetual by 6 G. 1. c. 19.

Offences against the above stat. shall be tried in the Court of K. B. at Westminster;

The Stat. 58 G. 3. c. 38. recites the above Provision of the Statute of William, and that "no mode of Prosecution is provided by the said Act in case of Offences committed against the same," and then "for remedy thereof" enacts, that from and after the passing of this Act, all Offences committed against the said Act shall and may be prosecuted by Indictment or Information at the Suit of his Majesty's Attorney General, in his Majesty's Court of King's Bench at Westminster; and that in such Indictment or Information the Offence or Offences shall and may be alleged to have been committed at Westminster; in the County of Middlesex; and that the said Court shall be and the same is hereby authorized to issue a Commission or Commissions for the Examination of Witnesses abroad and that the Depositions taken under such Commission or Commissions, shall be re-

such Court may issue commission to examine witnesses abroad.

ceived in Evidence on the Trial of such Indictments and Informations respectively.

The Second Section recites the Twenty-seventh Section of the Stat. 31 G. 2. c. 10., which provides, that every Master, &c. of any Merchant Vessel in foreign Parts and homeward bound from thence, should take on board so many Seafaring Men or Boys, subjects of Great Britain, as should by Shipwreck, Capture, or other unavoidable Accident be driven or cast away to, or that should be discharged as unserviceable from any of the Vessels of the Royal Navy at foreign Places, where Governors, Ministers, and Consuls appointed by his Majesty, his Heirs or Successors, should reside, or where none such are resident, where any two or more British Merchants should reside, as the said Governors, &c. or Merchants should direct, not exceeding four for each 100 Tons of which his Ship should consist; but that no Penalty or Mode of Prosecution is imposed or provided by the said Act in case of Neglect or Refusal to obey the Directions therein contained; and then enacts, that any Master or Person having the Charge of any Merchant Vessel belonging to any of his Majesty's Subjects, that shall be or arrive in any such foreign Parts, and be bound from thence to any Port in the United Kingdom of Great Britain and Ireland, and who shall be required, in Writing, under the Hand or Hands of any such Governor, Minister, Consul, or Merchants, to take on board any such Seafaring Man or Boy, Men or Boys, being a Subject or Subjects of the said United Kingdom, not exceeding the Number mentioned in the said Act, for the Purpose of carrying and conveying him or them to the said Part in the said United Kingdom, and who shall neglect and refuse to take on board, or to carry and convey him or them accordingly, shall for every such Offence forfeit and pay the Sum of £100 for each and every such Man or Boy whom he shall so refuse or neglect to take on board and to carry and convey as aforesaid, to be recovered by Information at the suit of his Majesty's Attorney General in his Majesty's Court of King's Bench or Exchequer at Westminster; and that in such Information the Offence or Offences shall and may be alleged to have been committed at Westminster in the County of Middlesex; and that the Court in which such Information shall be brought, shall be and the same is hereby authorized to issue a Commission or Commissions for the Examination of Witnesses abroad, and that the Depositions taken under such Commission or Commissions shall be received in Evidence on Trial of such Information. s. 2.

Masters, etc. of British vessels in foreign parts refusing to take on board seafaring men and boys and convey them home, shall forfeit £100.

How and where such penalty shall be recovered.

The third Section contains regulations to be observed by Masters, &c. of Vessels leaving Seafaring Men or Boys in foreign Parts on account of Sickness, in respect of the Payment of their Wages, and imposes a Penalty of £20. on such Masters, &c. not complying with such regulations, to be recovered as above, and authorizes the issuing a like Commission to examine Witnesses abroad.

## **Seditious.**

(And see title TREASON.)

The Statute 39 G. 3. c. 79. "for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes, and for better preventing Treasonable and Seditious Practices," recites that a Traitorous Conspiracy has long been carried on in conjunction with the Persons from time to time exercising the Powers of Government in France, to overturn the Laws, Constitution, and Government, and every existing Establishment, Civil and Ecclesiastical, both in Great Britain and Ireland, and to dissolve the connection between the Two Kingdoms, so necessary to the Security and Prosperity of both; and that in pursuance of such design, and in order to carry the same into effect, divers Societies have been of late Years instituted in this Kingdom, and in the Kingdom of Ireland, of a new and dangerous nature, inconsistent with public Tranquillity and with the Existence of regular Government, particularly certain Societies calling themselves Societies of United Englishmen, United Scotsmen, United Britons, United Irishmen, and the London Corresponding Society; and that the Members of many of such Societies have taken unlawful Oaths and Engagements of Fidelity and Secrecy, and used secret Signs, and appointed Committees, Secretaries, and other Officers, in a secret manner; and many of such Societies are composed of different Divisions, Branches, or Parts, which communicate with each other by Secretaries, Delegates, or otherwise, and by means thereof maintain an influence over large Bodies of Men, and delude many ignorant and unwary Persons into the Commission of Acts highly criminal: and that it is expedient and necessary that all such Societies as aforesaid, and all Societies of the like nature, should be utterly suppressed and prohibited, as unlawful Combinations and Confederacies, highly dangerous to the Peace and Tranquillity of these Kingdoms, and to the Constitution of the Government thereof as by Law established: and then enacts, that from and after the passing of this Act all the said Societies

of United Englishmen, United Scotsmen, United Irishmen, and United Britons, and the said Society commonly called the London Corresponding Society, and all other Societies called Corresponding Societies, of any other City, Town, or Place, shall be and the same are hereby utterly suppressed and prohibited, as being unlawful Combinations and Confederacies against the Government of our Sovereign Lord the King, and against the Peace and Security of his Majesty's liege Subjects. s. 1.

Certain societies suppressed.

From and after the passing of this Act, all and every the said Societies, and also every other Society now established, or hereafter to be established, the Members whereof shall, according to the Rules thereof, or to any Provision or Agreement for that purpose, be required or admitted to take any Oath or Engagement which shall be an unlawful Oath or Engagement within the intent and meaning of an Act passed in the Thirty-seventh Year of his Majesty's Reign, intituled "An Act for more effectually preventing the administering or taking of unlawful Oaths (1)," or to take any Oath not required or authorized by Law; and every Society, the Members whereof, or any of them, shall take or in any manner bind themselves by any such Oath or Engagement, on becoming or in consequence of being Members of such Society; and every Society, the Members whereof shall take, subscribe, or assent, to any Test or Declaration not required by Law, or not authorized in manner herein-after mentioned; and every Society, of which the Names of the Members, or of any of them, shall be kept secret from the Society at large, or which shall have any Committee or select Body so chosen or appointed, that the Members constituting the same shall not be known by the Society at large to be Members of such Committee or select Body, or which shall have any President, Treasurer, Secretary, Delegate, or other Officer so chosen or appointed, that the Election or Appointment of such Persons to such Offices shall not be known to the Society at large, or of which the Names of all the Members, and of all Committees or select Bodies of Members, and of all Presidents, Treasurers, Secretaries, Delegates, and other Officers, shall not be entered in a Book or Books to be kept for that Purpose, and to be open to the inspection of all the Members of such Society; [and every Society which shall be composed of different Divisions or Branches, or of different Parts, acting in any manner separately or distinct from each other, or of which any Part shall have any separate

All societies, the members whereof shall be required to take any oath not authorized by law, or shall have any committees not known to the society at large, etc. declared to be unlawful,

(1) See this Act at length under title OATHS § 2. page 653.

and members thereof, and persons corresponding, etc. with them, declared guilty of an unlawful combination.

or distinct President, Secretary, Treasurer, Delegate, or other Officer, elected or appointed by or for such Part, or to act as an Officer for such Part, shall be deemed and taken to be unlawful Combinations and Confederacies (1);] and every Person who, from and after the passing of this Act, shall become a Member of any such Society, or who, being a Member of any such Society at the passing of this Act, shall afterwards act as a Member thereof; and every Person who, after the passing of this Act, shall directly or indirectly maintain correspondence or intercourse with any such Society, or with any Division, Branch, Committee, or other select Body, President, Treasurer, Secretary, Delegate, or other Officer or Member thereof as such, or who shall, by Contribution of Money or otherwise, aid, abet, or support such Society, or any Members or Officers thereof as such, shall be deemed guilty of an unlawful Combination and Confederacy. 39 G. 3. c. 79. s. 2.

Not to extend to declarations approved by two Justices, and registered with the Clerk of the Peace.

Such approbation to be confirmed at the next General Quarter Session.

Provided always nevertheless, that nothing herein contained shall extend to any Declaration to be taken, subscribed, or assented to by the Members of any Society, in case the Form of such Declaration shall have been first approved and subscribed by Two or more of his Majesty's Justices of the Peace for the County, Stewartry, Riding, Division, or Place where such Society shall ordinarily assemble, and shall have been registered with the Clerk of the Peace, or his Deputy, for such County, Stewartry, Riding, Division, or Place, for which there shall be paid a Fee of One Shilling and no more; but that such Approbation of the Justices as aforesaid shall remain valid and effectual no longer than until the next General Session for such County, Stewartry, Riding, Division, or Place, unless the same shall, on application made by the Parties concerned, be confirmed by the major Part of the Justices present at such General Session; and if the same shall not be then and there so confirmed, the Provisions of this Act shall from thenceforth extend to such Declaration, and to all Societies or Persons subscribing the same, in so far as may relate to all Acts which may be done by them, or any of them, subsequent to the holding of such General Session. s. 3.

Members not acting after passing this Act, exempted.

Provided also, that no person who, at or before the passing of this Act, shall be or shall have been a Member of any such Society, shall be liable to any Pain or Penalty for having been a

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(1) See post, the Statute 57 G. 3. c. 19. s. 27., declaring that this provision shall not extend to any Meeting or Society of Quakers.



Member of such Society at or before the passing of this Act. in case such persons shall not in any manner act as a Member of such Society at any time after the passing of this Act. s. 4.

And whereas certain Societies have been long accustomed to be holden in this Kingdom under the denomination of Lodges of Free Masons, the Meetings whereof have been in great Measure directed to charitable Purposes; be it therefore enacted, that nothing in this Act shall extend to the Meetings of any such Society or Lodge which shall, before the passing of this Act, have been usually holden under the said denomination and in conformity to the Rules prevailing among the said Societies of Free Masons. s. 5.

Not to extend to regular lodges of Free Masons held before passing this Act;

Provided always, that this Exemption shall not extend to any such Society, unless Two of the Members composing the same shall certify upon Oath, (which Oath any Justice of the Peace or other Magistrate is hereby empowered to administer), that such Society or Lodge has, before the passing of this Act, been usually held under the Denomination of a Lodge of Free Masons, and in conformity to the Rules prevailing among the Societies or Lodges of Free Masons in this Kingdom; which Certificate, duly attested by the Magistrate before whom the same shall be sworn, and subscribed by the Persons so certifying, shall, within the Space of Two Calendar Months after the passing of this Act be deposited with the Clerk of the Peace for the County, Stewartry, Riding, Division, Shire, or Place, where such Society or Lodge hath been usually held: Provided also, that this Exemption shall not extend to any such Society or Lodge, unless the Name or denomination thereof, and the usual Place or Places, and the time or times of its Meetings, and the Names and Descriptions of all and every the Members thereof, be registered with such Clerk of the Peace as aforesaid, within Two Months after the passing of this Act, and also on or before the Twenty-fifth Day of March in every succeeding Year. s. 6.

but two members of each lodge shall certify the same on oath, and deposit such certificate within two months with the Clerk of the Peace with whom the name of the society, the names of the members, and the time and place of meeting, shall be registered yearly.

The Clerk of the Peace, or the person acting in his Behalf, in any such County, Stewartry, Riding, Division, Shire, or Place, is hereby authorized and required to receive such Certificate, and make such Registry as aforesaid, and to enrol the same among the Records of such County, Stewartry, Riding, Division, Shire, or Place, and to lay the same, once in every Year, before the General Session of the Justices for such County, Stewartry, Riding, Division, Shire, or Place; and that it shall and may be lawful for the said Justices, or for the major Part of them, at any of their General Sessions, if they shall so think fit,

Clerk of the Peace shall lay such certificate and registry before the General Session yearly, who may order any lodge to be discontinued, if likely to be injurious to the publick peace.

upon Complaint made to them upon Oath, oy any one or more credible Persons, that the Continuance of the Meetings of any such Lodge or Society is likely to be injurious to the public Peace and good Order, to direct that the Meetings of any such Society or Lodge within such County, Stewartry, Riding, Division, Shire, or Place, shall from thenceforth be discontinued; and any such Meeting held notwithstanding such Order or Discontinuance, and before the same shall by the like Authority be revoked, shall be deemed an unlawful Combination and Confederacy under the Provisions of this Act. 39 G. 3. c. 79. s. 7.

How offenders  
shall be pro-  
ceeded against,

Every person who, at any time after the passing of this Act, shall, in Breach of the Provisions thereof, be guilty of any such unlawful Combination and Confederacy as in this Act is described, shall and may be proceeded against for such Offence in a summary way, either before one or more Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, where such Person shall happen to be, or by Indictment to be preferred in the County, Riding, Division, City, Town, or Place in England, wherein such Offence shall be committed, or by Indictment in the Court of Justiciary, or in any of the Circuit Courts in Scotland, if the Offence shall be committed in Scotland; and every Person being convicted of any such Offence, on the Oath of one or more credible Witness or Witnesses, by such Justice or Justices as aforesaid, shall be by him or them committed to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Town, or Place, there to remain, without Bail or Mainprize, for the Term of Three Calendar Months, or shall be by such Justice or Justices adjudged to forfeit and pay the Sum of Twenty Pounds, as to such Justice or Justices shall seem meet; and in case such Sum of Money shall not be forthwith paid into the Hands of such Justice or Justices, he or they shall, by Warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, and, for want of sufficient Distress, shall commit such Offender to the Common Gaol or House of Correction of such County, Stewartry, Riding, Division, City, Town or Place as aforesaid, for any Time not exceeding Three Calendar Months; and every Person convicted of any such Offence upon Indictment by due Course of Law, shall and may be transported for the Term of Seven Years, in the Manner provided by Law for Transportation of Offenders, or imprisoned for any Time

and how  
punished.

not exceeding Two Years, as the Court before whom such Offender shall be tried shall think fit; and every such Offender, who shall be ordered to be transported, shall be subject and liable to all Laws concerning Offenders ordered to be transported. 39 G. 3. c. 79. s. 8.

Provided always, that it shall be lawful for the Justice or Justices of the Peace, by or before whom any Person shall, in pursuance of this Act, be convicted of any unlawful Combination or Confederacy, and such Justice and Justices is and are hereby authorized and empowered (if he or they shall see cause), to mitigate and lessen the Punishment herein-before directed to be inflicted upon any Offender against this Act, so convicted as aforesaid, so as such Punishment be not thereby reduced to less than One Third of the Punishment hereby directed to be inflicted as aforesaid whether such Punishment shall be by Imprisonment or Fine. s. 9.

Justices may  
mitigate  
Punishment.

Provided also, that any Person who shall be prosecuted before any Justice or Justices of the Peace, in a summary way, for any Offence against this Act, and shall be convicted or acquitted by such Justice or Justices, shall not afterwards be prosecuted, or be liable to be prosecuted, by Indictment or otherwise, for the same Offence; and so in like Manner any Person who shall be convicted or acquitted upon any Indictment for any Offence against this Act, shall not afterwards be prosecuted, or be liable to be prosecuted before any Justice or Justices of the Peace, in a summary way, for the same Offence. s. 10.

Persons prosecuted either  
before a Justice,  
or indicted, not  
liable to other  
Prosecution.

Provided also, that nothing in this Act contained shall extend to prevent any Prosecution by Indictment, or otherwise, for any thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the Offender shall have been prosecuted for such Offence under this Act, and convicted or acquitted of such Offence; save only that no Person shall be prosecuted for having been, before the passing of this Act, a Member of any Society hereby declared to be an unlawful Combination and Confederacy, if such Person shall not in any Manner have acted as a Member of such Society after the passing of this Act. s. 11.

Offenders may  
be otherwise  
indicted, if not  
prosecuted under  
this Act.

Provided always, that nothing herein contained shall extend to discharge any Person in Custody at the passing of this Act, or who having been in Custody, shall have been discharged, on Bail or Recognizance, from any Prosecution which might have been had against such person if this Act had not been made. s. 12.

Person in custody or on bail,  
at passing this  
act, still liable to  
prosecution.

Penalty on persons permitting unlawful meetings in their houses, etc.

Justices on oath of an unlawful meeting being held, may declare the licence of any house licensed to sell beer or liquors forfeited.  
See post, s. 21.

If any person shall knowingly permit any Meeting of any Society hereby declared to be an unlawful Combination or Confederacy, or of any Division, Branch, or Committee of such Society, to be held in his or her House or Apartment, such Person shall, for the First Offence, forfeit the Sum of Five Pounds, and shall, for any such Offence committed after the Date of his or her Conviction for such First Offence, be deemed guilty of an unlawful Combination and Confederacy in Breach of this Act. 39 G. 3. c. 79. s. 13. See s. 28. of the Stat. 57 G. 3. c. 19. post.

It shall be lawful for any Two or more Justices of the Peace acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence on Oath that any Meeting of any Society hereby declared to be an unlawful Combination and Confederacy, or any Meeting for any Seditious Purpose, hath been held, after the passing of this Act, at any House, Room, or Place, licensed for the Sale of Ale, Beer, Wine, or Spirituous Liquors, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors, granted to the person or persons keeping such House, Room, or Place, to have been forfeited (1); and the person or persons so keeping such House, Room, or Place, shall, from and after the Day of the Date of such Adjudication and Declaration, be subject and liable to all and every the Penalties and Forfeitures for any Act done after that Day, which such person or persons would be subject and liable to, if such Licence or Licences had expired, or otherwise determined on that Day. s. 14.

Every place of lecturing, debating, or reading, for the purpose of raising money, to be deemed disorderly, unless previously licensed.

And whereas divers Places have of late been used for delivering Lectures or Discourses and holding Debates which are not within the Provisions of the Act passed in the Thirty-Sixth Year of his Majesty's Reign, for the more effectually preventing seditious Meetings and Assemblies, but which Lectures, Discourses, or Debates, have in many instances been of a seditious and immoral Nature; and other Places have of late been used for seditious and immoral Purposes, under the Pretence of being Places of Meeting for the Purpose of reading Books, Pamphlets, Newspapers, or other Publications; be it further enacted, that every House, Room, Field, or other Place, at or in which any Lecture or Discourse shall be publicly delivered, or any public Debate shall be had on any Subject whatever, for the Purpose of raising or collecting Money, or any other valuable Thing from the Persons admitted, or to which any Person shall be admitted by Payment of Money, or by any Ticket or Token of any Kind

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(1) See form No. II. in the Schedule, page 894. post.

delivered in consideration of Money or any other valuable Thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, in any Manner, any Money or other valuable Thing, or where any Money or other valuable Thing shall be received from any Person admitted either under Pretence of paying for any Refreshment or other Thing, or under any other Pretence, or for any other Cause, or by Means of any Device or Contrivance whatever, and every House, Room, or Place which shall be opened or used as a Place of Meeting, for the Purpose of Reading Books, Pamphlets, Newspapers, or other Publications, and to which any Person shall be admitted by Payment of Money, or by any Ticket or Token of any Kind delivered in consideration of Money or other valuable Thing, or in consequence of paying or giving, or having paid or given, or having agreed to pay or give, any Money or other valuable Thing, or where any Money or other valuable Thing shall be received from any Person admitted either under Pretence of paying for any Refreshment or other Thing, or under any other Pretence, or for any other Cause, or by means of any Device or Contrivance whatever, shall be deemed a disorderly House or Place within the Intent and Meaning of the said Act, passed in the Thirty-Sixth Year of his Majesty's Reign, for the more effectually preventing seditious Meetings and Assemblies, unless the same shall have been previously licensed in Manner herein-after mentioned; and the person by whom such House, Room, Field, or Place, shall be opened or used for any of the Purposes aforesaid, shall forfeit the Sum of One hundred Pounds, for every Day or Time that such House, Room, Field, or Place, shall be opened or used as aforesaid, to such Person as will sue for the same, and be otherwise punished as the Law directs in cases of disorderly Houses; and every Person managing or conducting the Proceedings, or acting as Moderator, President, or Chairman, at such House, Room, Field, or Place, so opened or used, as aforesaid, or therein debating, or delivering any Discourse or Lecture, or furnishing or delivering any Book, Pamphlet, Newspaper, or other Publication as aforesaid, and also every Person who shall pay, give, collect, or receive, or agree to pay, give, collect, or receive any Money, or any Thing, for or in respect of the Admission of any Person, into any such House, Room, Field, or Place, or shall deliver out, distribute, or receive any such Ticket or Tickets, or Token or Tokens as aforesaid, knowing such House, Room, Field, or Place to be opened or used for any such Purpose as aforesaid, shall, for every such Offence,

Penalty on persons opening such houses, conducting the proceedings, debating, furnishing books, paying or collecting money for admission, etc.

forfeit the Sum of Twenty Pounds. 39 G. 3. c. 79. s. 15. See post, s. 14. of stat. 57 G. 3. c. 19.

Persons appearing as master liable to prosecution, although not the real occupier of the house.

Any person who shall at any time hereafter appear, act, or behave him or herself as Master or Mistress, or as the person having the Command, Government, or Management of any such House, Room, Field, or Place as aforesaid, shall be deemed and taken to be a person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in fact the real Owner or Occupier thereof. s. 16. See post, s. 15. of Statute 57 G. 3. c. 19.

Justices, by information on oath, suspecting any place is opened for lecturing, etc may demand admittance, and if refused, the place to be deemed disorderly, and the person so refusing shall forfeit 20l.

It shall be lawful for any Justice or Justices of the Peace of any County, Stewartry, City, Borough, Town, or Place, who shall, by Information upon Oath, have reason to suspect that any House, Room, Field, or Place, or any Parts or Part thereof, are or is opened or used for the purpose of delivering Lectures or Discourses, or for Public Debate, or for the purpose of reading Books, Pamphlets, Newspapers, or other Publications, contrary to the Provisions of this Act, to go to such House, Room, Field, or Place, and demand to be admitted therein; and in case such Justice or Justices shall be refused Admittance to such House, Room, Field, or Place, or any Part thereof, the same shall be deemed a disorderly House or Place, within the Intent and Meaning of this Act, and of the said recited Act of the Thirty-sixth Year aforesaid; and all and every the Provisions herein-before and in the said recited Act contained, respecting any House, Room, Field, or Place, therein or herein-before declared to be a disorderly House or Place, shall be applied to such House, Room, Field, or Place, where such Admittance shall have been refused as aforesaid; and every person refusing such Admittance shall forfeit the Sum of Twenty Pounds. s. 17.

Justices in session may grant licences for lecturing or reading, and may revoke them.

Provided nevertheless, that it shall be lawful for Two or more Justices of the Peace for the County, Stewartry, City, Borough, Town, or Place, where any House, Room, or other Building shall be intended to be opened for any of the Purposes aforesaid, by Writing under their Hands and Seals, at their General Sessions of the Peace, or at any Special Session to be held for the particular Purpose, to grant a Licence to any person or persons desiring the same, to open such House, Room, or other Building, for the purpose of delivering for Money any such Lectures or Discourses as aforesaid on any Subjects, the same being clearly expressed in such Licence, or for the Pur-



poses of reading Books, Pamphlets, Newspapers, or other Publications, for which Licence a Fee of One Shilling, and no more, shall be paid, and the same shall be in force for the Space of One Year, and no longer, or for any less Space of Time therein to be specified; and which Licence it shall be lawful for the Justices of the Peace of the same County, Stewartry, City, Borough, Town, or Place, at any General Sessions of the Peace to revoke and declare void, and no longer in force, by any Order of such Justices; a Copy whereof shall be delivered to, or served upon the person to whom the said Licence so revoked shall have been granted, or shall be left at the House, Room, or Building, for which such Licence shall have been granted, and thereupon such Licence shall cease and determine, and be thenceforth utterly void and of no effect. s. 18. See post, s. 17. of Statute 57 G. 3. c. 19.

Provided always, that it shall be lawful for any Justice or Justices of the Peace of any County, Stewartry, City, Borough, Town, or Place, where any such House, Room, or other Building shall be licensed as herein provided, to go to such House, Room, or Building so licensed, at the time of delivering any such Lecture or Discourse therein as aforesaid, or at the Time appointed for delivering any such Lecture or Discourse, or whilst such House, Room, or Building shall be opened or used, or during the Time appointed for using the same as a Place for reading Books, Pamphlets, Newspapers, or other Publications as aforesaid, and demand to be admitted therein; and in case such Justice or Justices shall be refused Admittance to such House, Room, or Building, the same shall be deemed, notwithstanding any such Licence as aforesaid, a disorderly House or Place, within the meaning of this Act; and all and every the Provisions herein-before contained, respecting any House, Room, Field, or Place herein-before declared to be a disorderly House or Place, shall be applied to such House, Room, or Building so licensed as aforesaid, where such Admittance shall have been refused as aforesaid; and every person refusing such Admittance shall forfeit the Sum of Twenty Pounds. s. 19. See post, s. 16. of Statute 57 G. 3. c. 19.

Justices may demand admittance to any licensed place, and if refused it shall be deemed disorderly, and the person so refusing shall forfeit 20l.

Provided also, that it shall be lawful for any Two Justices of the Peace acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence, on Oath, that any House, Room, or place so licensed and opened as aforesaid, is commonly used for the purpose of delivering there Lectures or Discourses of a seditious or immoral Tendency, or that

Justices, on evidence on oath that any licensed place is used for lectures of a seditious or immoral tendency, etc. may declare the licence forfeited.

Books, Pamphlets, Newspapers, or other Publications of a seditious or immoral nature, are there commonly kept and delivered to be read, to adjudge and declare the Licence for opening the same to have been forfeited; and such Licence shall thereupon cease and determine, and shall thenceforth be utterly void and of no effect. 39 G. 3. c. 79. s. 20.

Every alehouse, etc. to be deemed licensed for reading; but justices, on evidence on oath that seditious or immoral publications are read, may declare the licence forfeited. See ante, s. 14.

Provided also, that every House, Room, or place, licensed for the sale of Ale, Beer, Wine, or Spirituous Liquors, shall also be deemed a House or place licensed for the purpose of reading Books, Pamphlets, and other Publications, within the intent and meaning of this Act; but nevertheless it shall be lawful to and for any Two or more Justices of the Peace for the County, Stewartry, Riding, Division, City, Borough, Town, or place where such House, Room, or place shall be, upon Evidence on Oath that Books, Pamphlets, or other Publications, of a seditious or immoral nature are usually distributed for the purpose of being read at such House, Room, or place, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors, under the Authority whereof such House, Room, or place shall be used for the purpose of selling Ale, Beer, Wine, or Spirituous Liquors, to have been forfeited (1), and the person or persons so keeping such House, Room, or place shall, from and after the day of the date of such adjudication and declaration be subject and liable to all and every the Penalties and Forfeitures which such person or persons would be subject and liable to, if such Licence or Licences had expired or otherwise determined, on that day for any Act done after that Day. s. 21.

Not to extend to lectures delivered in the Universities, or the hall of any of the inns of court, or by the professors in Gresham College.

Payments to schoolmasters not deemed payments for admission to lectures.

Provided always, that nothing in this Act contained shall extend or be construed to extend to any Lecture or Discourses to be delivered in any of the Universities of these Kingdoms by any Member thereof, or any person authorized by the Chancellor, Vice Chancellor, or other proper Officers of such Universities respectively, or to any Lecture or Discourse to be delivered in the Public Hall of any of the Inns of Court or Chancery, by any person authorized by the Benchers of the Inns of Court, or by the Professors in Gresham College; and that no Payment made to any Schoolmaster, or other person by Law allowed to teach and instruct Youth, in respect of any Lectures or Discourses delivered by such Schoolmaster or other person, for the Instruction only of such Youth as shall be committed to

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(1) See form No. II. in the Schedule, post, page 894.

his Instruction, shall be deemed a Payment of Money for Admission to such Lectures or Discourses, within the intent and meaning of this Act. s. 22. See s. 20. of Statute 57 G. 3. c. 19. post.

And whereas many Societies, established of late years for treasonable and seditious purposes, and especially the said Societies of United Englishmen, United Scotsmen, United Irishmen, and United Britons, and the said Society called The London Corresponding Society, and other Corresponding Societies, have at various times caused to be published in great quantities divers Printed Papers of an irreligious, treasonable, and seditious nature, tending to revile our Holy Religion, and to bring the Profession and Worship thereof into contempt among the ignorant, and also to excite hatred and contempt of his Majesty's Royal Person, Government, and Laws, and of the happy Constitution of these Realms as by Law established, and utterly to eradicate all Principles of Religion and Morality; and such Societies have dispersed such Printed Papers among the lower classes of the Community, either gratis or at very low prices, and with an activity and profusion beyond all former example: And whereas all persons printing or publishing any Papers or Writings are by Law answerable for the contents thereof; but such responsibility hath of late been in a great degree eluded by the secret Printing and Publication of such seditious, immoral, and irreligious Papers or Writings as aforesaid, and it is therefore highly important to the Public Peace that it should in future be known by whom any such Papers shall be printed; be it enacted, that from and after the expiration of Forty Days from the day of passing this Act, every person having any Printing Press, or Types for Printing, shall cause a Notice thereof, signed in the presence of and attested by One Witness, to be delivered to the Clerk of the Peace acting for the County, Stewartry, Riding, Division, City, Borough, Town, or place where the same shall be intended to be used, or his Deputy, according to the Form prescribed in the Schedule hereunto annexed; and such Clerk of the Peace, or Deputy respectively, shall, and he is hereby authorized and required to grant a Certificate in the Form prescribed in the Schedule hereunto annexed, for which such Clerk of the Peace, or Deputy, shall receive the Fee of One Shilling and no more, and such Clerk of the Peace, or his Deputy, shall file such Notice, and transmit an attested Copy thereof to one of his Majesty's Principal Secretaries of State; and every person who, not having delivered such Notice and obtained such Certificate as aforesaid, shall, from

Printers to give a notice in the form in the annexed schedule to the clerk of peace, who shall grant a certificate, and file the notice, and transmit an attested copy to the Secretary of State.

Penalty of 20l. for keeping presses or types

without notice, or using them in any place not expressed therein.

Not to extend to his Majesty's Printers, or the Universities in England.

Letter-founders and printing press makers to give a notice, in the form in the annexed schedule, to the clerk of the peace, who shall grant a certificate, and file the notice, and transmit an attested copy to the secretary of state.

Penalty of 20l. for carrying on such businesses without giving notice.

An account to be kept of types and printing presses sold, and to be produced when required, on penalty of 20l.

The name and abode of the printer to be printed on every paper or book, on penalty of 20l.

and after the expiration of Forty Days next after the passing of this Act, keep or use any Printing Press or Types for Printing, or having delivered such Notice, and obtained such Certificate as aforesaid, shall use any Printing Press or Types for Printing in any other Place than the Place expressed in such Notice, shall forfeit and lose the Sum of Twenty Pounds. 39 G. 3. c. 79. s. 23.

Provided also, that nothing herein contained shall extend to his Majesty's Printers for England and Scotland, or to the Public Presses belonging to the Universities of Oxford and Cambridge respectively. s. 24.

From and after the expiration of Forty Days after the passing of this Act, every person carrying on the business of a Letter-founder, or Maker or Seller of Types for Printing, or of Printing Presses, shall cause Notice of his or her intention to carry on such Business to be delivered to the Clerk of the Peace of the County, Stewartry, Riding, Division, City, Borough, Town, or place where such person shall propose to carry on such Business, or his Deputy, in the Form prescribed in the Schedule to this Act annexed; and such Clerk of the Peace, or his Deputy, shall and he is hereby authorized and required thereupon to grant a Certificate in the Form also prescribed in the said Schedule, for which such Clerk of the Peace, or his Deputy, shall receive a Fee of One Shilling, and no more, and shall file such Notice, and transmit an attested Copy thereof to one of his Majesty's Principal Secretaries of State; and every person who shall, after the expiration of the said Forty Days, carry on such Business, or make or sell any Type for Printing, or Printing Press, without having given such Notice, and obtained such Certificate, shall forfeit and lose the Sum of Twenty Pounds. s. 25.

Every person who shall sell Types for Printing, or Printing Presses, as aforesaid, shall keep a fair Account in Writing, of all persons to whom any such Types or Presses shall be sold, and shall produce such Accounts to any Justice of the Peace, who shall require the same; and if such person shall neglect to keep such Account, or shall refuse to produce the same to any such Justice, on Demand, in Writing, to inspect the same, such person shall forfeit and lose, for such Offence, the Sum of Twenty Pounds. s. 26.

From and after the Expiration of Forty Days after the passing of this Act, every person who shall print any Paper or Book whatsoever, which shall be meant or intended to be published or dispersed, whether the same shall be sold or given away, shall

print upon the Front of every such Paper, if the same shall be printed on one Side only, and upon the first and last Leaves of every Paper or Book which shall consist of more than one Leaf, in legible Characters, his or her Name, and the Name of the City, Town, Parish, or Place, and also the Name (if any) of the Square, Street, Lane, Court, or Place, in which his or her Dwelling House or usual Place of Abode shall be; and every person who shall omit so to print his Name and Place of Abode on every such Paper or Book printed by him, and also every person who shall publish or disperse, or assist in publishing or dispersing, either gratis or for Money, any printed Paper or Book, which shall have been printed after the Expiration of Forty Days from the passing of this Act, and on which the Name and Place of Abode of the person printing the same shall not be printed as aforesaid, shall for every Copy of such Paper so published or dispersed by him, forfeit and pay the Sum of Twenty Pounds. s. 27.

Nothing in this Act contained shall extend, or be construed to extend, to any Papers printed by the Authority and for the Use of either House of Parliament. s. 28.

Not to extend to papers printed by authority of parliament.

Every person who, from and after the Expiration of Forty Days after the passing of this Act, shall print any Paper for Hire, Reward, Gain, or Profit, shall carefully preserve and keep one Copy (at least) of every Paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the Name and Place of Abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any Paper for Hire, Reward, Gain, or Profit, who shall omit or neglect to write, or cause to be written or printed as aforesaid, the Name and Place of his or her Employer on one of such printed Papers, or to keep or preserve the same for the space of Six Calendar Months next after the Printing thereof, or to produce and shew the same to any Justice of the Peace, who, within the said space of Six Calendar Months, shall require to see the same, shall, for every such Omission, Neglect, or Refusal, forfeit and lose the Sum of Twenty Pounds. s. 29.

Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer.

Penalty of 20l. for neglect, or refusing to produce the copy within six months.

It shall be lawful for any person, to whom or in whose presence any printed Paper, not having the Name and Place of Abode of any person printed thereon, in manner herein-before directed, or having a fictitious or false Name or Place of Abode printed thereon, shall be sold, or offered for Sale, or shall be delivered gratis, or offered so to be, or shall be pasted, fixed, or

Persons selling, etc. any paper without the name and abode of the printer, may be taken before a justice to determine whether they

have offended  
against this act.

left in any public Place, or in any other manner exposed to public view, to seize and detain the person so selling or offering to sell, or delivering or offering to deliver, or pasting, fixing, or leaving in any public Place, or in any other manner exposing to public view, any such printed Paper as aforesaid, and forthwith to take and convey him or her before some Justice of the Peace for the County, Stewartry, Riding, Division, City, Borough, Town, or Place where such person shall be seized, or to deliver him or her to some Constable or other Peace Officer, to be taken and conveyed before such Justice as aforesaid, to the intent that such Justice may hear and determine whether such person hath been guilty of any Offence against this Act. 39 G. 3. c. 79. s. 30.

Not to extend to  
impressions of  
engravings, or  
the printing  
names and  
addresses, etc.;

Provided always, that nothing herein contained shall extend to the Impression of any Engraving, or to the printing by Letter Press of the Name, or the Name and Address, or Business or Profession, of any person, and the Articles in which he deals, or to any Papers for the Sale of Estates or Goods by Auction, or otherwise. s. 31.

nor to alter any  
provisions re-  
specting news-  
papers.

Provided also, that nothing herein contained shall extend, or be construed to extend to alter or vary any Rule, Regulation, or Provision contained in any Act of Parliament now in force respecting the printing, publishing, or distributing any printed Newspaper, or other printed Paper. s. 32.

A justice by  
warrant may  
empower a peace  
officer to search  
for presses and  
types he suspects  
to be illegally  
used, and to seize  
them and the  
printed papers  
found.

If any Justice of the Peace, acting for any County, Stewartry, Riding, Division, City, Borough, Town, or Place, shall, from Information upon Oath, have reason to suspect that any Printing Press or Types for Printing is or are used or kept for use without Notice given and Certificate obtained as required by this Act, or in any Place not included in such Notice and Certificate, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to direct, authorize, and empower any Constable, Petty Constable, Borsholder, Headborough, or other Peace Officer, in the Day Time, with such person or persons as shall be called to his assistance, to enter into any such House, Room, and Place, and search for any Printing Press or Types for Printing; and it shall be lawful for every such Peace Officer, with such assistance as aforesaid, to enter into such House, Room, or Place in the Day Time accordingly, and to seize, take, and carry away, every Printing Press found therein, together with all the Types and other Articles thereto belonging, and used in Printing, and all printed Papers found in such House, Room, or Place. s. 33.



Provided always, that no person shall be prosecuted or sued for any Penalty imposed by this Act, unless such Prosecution shall be commenced, or such Action shall be brought, within Three Calendar Months next after such Penalty shall have been incurred. s. 34.

Prosecutions for penalties shall be commenced within three calendar months.

Any pecuniary Penalty imposed by this Act, exceeding the Sum of Twenty Pounds, may be sued for and recovered, by any Person who will sue for the same, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, if such Penalty shall have been incurred in England or Wales, or the Town of Berwick-upon-Tweed; and in his Majesty's Court of Exchequer in Scotland, if such Penalty shall have been incurred in Scotland; in which Action it shall be sufficient to declare or allege that the Defendant is indebted to the Plaintiff in the Sum of Twenty Pounds, (being the Sum demanded by such Action), being forfeited by an Act, made and passed in the Thirty-ninth Year of the Reign of his Majesty King George the Third, intituled *An Act [here set forth the Title of the Act]*, and the Plaintiff, if he shall recover in any such Action, shall have his full Costs; and any pecuniary Penalty imposed by this Act, and not exceeding the Sum of Twenty Pounds, and for the Recovery whereof no Provision is herein-before contained, shall and may be recovered before any Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, in which the same shall be incurred, or the Person having incurred the same shall happen to be, in a summary way; and in case such last-mentioned Penalty shall not be forthwith paid, such Justice or Justices shall, by Warrant under his or their Hand and Seal, or Hands and Seals, and directed to any Constable or other Peace Officer, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall commit the Offender to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Borough, Town, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor less than Three Calendar Months. s. 25.

Recovery of penalties.

All pecuniary Penalties and Forfeitures imposed by this Act shall, when recovered, either by Action in any Court, or in a summary way before any Justice, be applied and disposed of in Manner herein-after mentioned; that is to say, One Moiety

Application of penalties.

thereof to the Plaintiff in any such Action, or the Informer, before any Justice ; and the other Moiety thereof to his Majesty his Heirs and Successors. 39 G. 3. c. 79. s. 26.

Limitation of Actions, Three Months ; General Issue ; Treble Costs. s. 37. Convictions, Adjudications, Notices and Certificates shall be in the Forms in the annexed Schedule. s. 38.

The Schedule to which the annexed Act refers.

I. Form of Conviction of an unlawful Combination and Confederacy.

M } BE it remembered, That on this Day of  
to wit. } in the Year of the Reign of A. B. of  
is duly convicted before me, [or us], of his  
Majesty's Justices of the Peace for in pursuance of an  
Act of the Thirty-ninth Year of the Reign of King George the  
Third, [set forth the Title of the Act], for that the said A. B.  
after the passing of the said Act, to wit, on the Day of  
at did, contrary to the said Act, become a Mem-  
ber of [or, as the Case may be, act as a Member of, or maintain  
Correspondence or Intercourse with, or by Contribution of Mo-  
ney or otherwise, abet or support] a Society [describing the So-  
ciety], which Society is an unlawful Combination and Confede-  
racy within the Intent and Meaning of the said Act: Wherefore  
I [or we] the said do adjudge, that he the said A. B.  
do pay [or, be imprisoned] as a Penalty for his Offence, in pur-  
suance of the said Act.

Given under my Hand and Seal, [or our Hands and Seals],  
this Day in the Year of our Lord  
and in the Year of the Reign of his Majesty  
King

II. Form of Adjudicature of Forfeiture of Licence to sell Ale, &c.

M } BE it remembered, That on this Day of  
to wit. } in the Year of the Reign of his present Ma-  
jesty, A. B. of being a person licensed to sell [as the  
Case may be] is duly convicted before us, Two of his Majesty's  
Justices of the Peace for the County of in pursuance of  
an Act of the Thirty-ninth Year of the Reign of [set  
forth the Title of the Act], for that he the said A. B. on  
at did permit a Meeting of a Society [describing the  
Society], which is an unlawful Combination and Confederacy  
within the Intent and Meaning of the said Act, to be held at

Given under our Hands and Seals, this                      Day of  
in the Year of our Lord                      and in the                      Year  
of the Reign of his Majesty King

M } Be it remembered, That on this Day of  
to wit. } in the Year of the Reign of  
A. B. of . is duly convicted before me  
[or, us] . of his Majesty's Justices of the Peace for  
in pursuance of an Act of the Thirty-ninth  
Year of the Reign of King George the Third, [*set forth the  
Title of the Act*], for that the said A. B. on the Day  
of at . did, contrary to the said Act,  
keep [*or use, as the Case may be*] a Printing Press [*or, Types  
for Printing; or carrying on the Business of a Letter Founder,  
Maker or Seller of Types, or Printing Presses*], not having  
given such Notice, and obtained such Certificate, as by the said  
Act is required, *or, in . being a Place not specified  
in any Notice given by the said A. B. in pursuance of the said  
Act, whereupon he had obtained such Certificate, as by the  
said Act is required; or, not keeping an Account of a person  
to whom the said A. B. sold Printing Types, or, a Printing  
Press, as the Case may be; or, not printing his Name, &c. as  
the Case may require; or, not keeping a Copy of a Paper  
printed by him for Hire, Reward, Gain, or Profit, to wit, a Paper  
[describing it] which the said A. B. printed, &c. or, not pro-  
ducing a Copy of a Paper printed, &c. or specifying any other  
Offence against the Act, and the Time and Place when and  
where the same was committed*]: Wherefore I [*or, we*] the said  
do adjudge that he the said A. B. do pay the  
Sum of . as a Penalty for his Offence, in pur-  
suance of the said Act.

Given under our Hands and Seals, this                      Day of  
in the Year of our Lord                      and in the  
Year of the Reign of his Majesty King

**IV. Form of Notice to the Clerk of the Peace, that any person keeps any Printing Press, or Types for Printing.**

To the Clerk of the Peace for *[here insert the*  
*County, Stewartry, Riding, Division, City, Borough, Town,*  
*or Place]*, or his Deputy.

I A. B. of \_\_\_\_\_ do hereby declare, That I have a  
 Printing Press and Types for Printing, which I propose to use  
 for Printing, within \_\_\_\_\_ [*as the Case may require*],  
 and which I require to be entered for that Purpose, in pursuance  
 of an Act passed in the Thirty-ninth Year of the Reign of his  
 Majesty King George the Third, [*set forth the Title of the Act*].

**Witness my Hand, this**

**Signed in the Presence } Day of**

**of }**

**V. Form of Certificate that Notice has been given of a Printing Press, or Types for Printing.**

I Clerk [*or, Deputy Clerk*] of the Peace for  
do hereby certify, That A. B. of  
hath delivered to me a Notice in Writing, appearing to be signed  
by him, and attested by C. D. as a Witness to his signing the  
same, that he the said A. B. hath a Printing Press and Types  
for Printing, which he proposes to use for Printing within  
and which he has required to be entered,  
pursuant to an Act passed in the Thirty-ninth Year of his Ma-  
jesty's Reign, [*set forth the Title of the Act*].

**Witness my Hand, this**                      **Day of**

**VI. Form of Notice to the Clerk of the Peace, that any person carries on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses.**

**To the Clerk of the Peace for [*as the Case may be*], or his Deputy.**

I A. B. of \_\_\_\_\_ do hereby declare, That I intend to carry on the Business of a Letter Founder or Maker or Seller of Types for Printing, *or of Printing Presses, [as the Case may be]*, at \_\_\_\_\_ and I hereby require this Notice to be entered in pursuance of an Act passed in the Thirty-ninth Year of the Reign of his Majesty King George the Third [*set forth the Title of the Act*].

Signed in the Presence }  
of }

VII. Form of Certificate that the above Notice has been given.

I G. H. Clerk [or Deputy Clerk] of the Peace for [*as the Case may be*], do hereby certify that A. B. of \_\_\_\_\_ hath delivered to me a Notice in Writing, appearing to be signed by him, and attested by E. F. as a Witness to his signing the same, that he intends to carry on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses, at \_\_\_\_\_ and which Notice he has required to be entered in pursuance of an Act of the Thirty-ninth Year of his Majesty King George the Third [*set forth the Title of the Act*].

Witness my Hand this

Day of

The Stat. 57 G. 3. c. 19. enacts, that no Meeting of any description of persons exceeding the number of Fifty Persons, (other than and except any Meeting of any County, Riding, or Division, called by the Lord Lieutenant, Custos Rotulorum, or Sheriff of such County, or Meeting called by the Convener of any County or Stewartry in that Part of Great Britain called Scotland, or any Meeting called by Two or more Justices of the Peace of the County or Place where such Meeting shall be holden, or any Meeting of any County having different Ridings or Divisions, called by any Two Justices of any One or more of such Ridings or Divisions, or any Meeting called by the major Part of the Grand Jury of the County, or of the Division of the County where such Meeting shall be holden, at their General Assizes or General Quarter Sessions of the Peace, or any Meeting of any City or Borough or Town Corporate, called by the Mayor or other Head Officer of such City or Borough or Town Corporate, or any Meeting of any Ward or Division of any City, called by the Alderman or other Head Officer of such Ward or Division, or any Meeting of any Corporate Body), shall be holden for the Purpose or on the Pretext of considering of or preparing any Petition, Complaint, Remonstrance, or Declaration, or other Address to the King, or to his Royal Highness the Prince Regent, or to both Houses or either House of Parliament, for alteration of matters established in Church or State, or for the Purpose or on the Pretext of deliberating upon any Grievance in Church or State, unless Notice of the Intention to hold such Meeting, and of the Time and Place when and where the same shall be proposed to be holden, and of the Purpose for which the same shall be proposed to be holden, shall be given in the Names of Seven Persons at the least, being Household-ers.

No meeting of more than fifty persons, (except county meetings, etc.) shall be holden without notice being given in some Newspaper by seven householders.

resident within the County, City, or Place where such Meeting shall be proposed to be holden, whose Places of Abode and Descriptions shall be inserted in such Notice, and which Notice shall be given by public Advertisement in some public Newspaper usually circulated in the County and Division where such Meeting shall be holden, Five Days at the least before such Meeting shall be holden, or shall be delivered in Manner hereinafter mentioned ; and that such Notice shall not be inserted in any such Newspaper unless the Authority to insert such Notice shall be signed by Seven Persons at the least, being Householders resident within the County, City, or Place where such Meeting shall be proposed to be holden, and named in such Notice, and unless such Authority so signed shall be written at the Foot of a true Copy of such Notice, and shall be delivered to the Person required to insert the same in any such Newspaper as aforesaid, which Person shall cause such Notice and Authority to be carefully preserved ; and shall also at any Time after such Notice shall have been inserted in such Paper, and within Fourteen Days after the Day on which such Meeting shall be had, produce such Notice and Authority, and cause a true Copy thereof (if required) to be delivered to any Justice of the Peace for the County, City, Town, or Place where such Person shall reside, or where such Newspaper shall be printed, and who shall require the same ; and in case any Person shall insert any such Notice in any Newspaper without such Authority as aforesaid, or in case any Person to whom any such Notice and Authority shall have been delivered for the Purpose of inserting such Notice in any such Newspaper as aforesaid, shall refuse to produce such Notice and Authority, or to deliver a true Copy thereof, being thereunto required as aforesaid, within Three Days after such Production and Copy or either of them shall have been so required, every such person for every such Offence shall forfeit the Sum of Fifty Pounds to any Person who shall sue for the same. s. 1.

Penalty on persons inserting such notice without authority, etc. 50l.

Such Notice may be given to the Clerk of the Peace, who shall send a Copy thereof to Three Justices of the Peace of the County. s. 2. Meetings without such Notice shall be deemed unlawful Assemblies. s. 3. Adjourned Meetings had under such Notice shall also be deemed unlawful Assemblies. s. 4.

Persons assembled contrary to this act, not dispersing after being required so to do by proclamation, guilty

If any Persons exceeding the Number of Fifty shall be assembled contrary to the Provisions herein-before contained, it shall and may be lawful for any One or more Justice or Justices of the Peace, or the Sheriff of the County in which such Assembly shall be, or his Under Sheriff, or the Mayor or other Head



Officer or Justice of the Peace or Magistrate of any City or Town Corporate where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein-after directed, and he and they are hereby required to make or cause to be made Proclamation in the King's Name, to command all Persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any such persons shall to the Number of Twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of One Hour after such Proclamation made, that then such continuing together to the Number of Twelve or more shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy. 57 G. 3. c. 19. s. 5. (1).

of felony without clergy.

In case any Meeting shall be holden in pursuance of any such Notice as aforesaid, and such Notice, or any Matter which shall be in such Notice proposed to be propounded or deliberated upon at such Meeting, shall express or purport that any Matter or Thing by Law established may be altered, otherwise than by the Authority of the King, Lords, and Commons, in Parliament assembled, or such Notice, or any Matter therein contained, shall tend to incite or stir up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or of the Government and Constitution of this Realm as by Law established, it shall be lawful for One or more Justice or Justices of the Peace, or the Sheriff of the County where such Meeting shall be, or his Under Sheriff, or for the Mayor or other Head Officer, or any Justice of the Peace or Magistrate of any City or Town Corporate where any such Meeting shall be, by Proclamation in the King's Name, in the Manner and Form herein-before set forth, to command the persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any persons, to the Number of Twelve or more, being so commanded by Proclamation made, to disperse themselves, and peaceably to depart to their Habitations or to their lawful Business, shall, to the Number of Twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of One Hour after such Proclamation made, that then such continuing together to the Number of Twelve or more shall be adjudged Felony without Benefit of

Meetings, where notices express certain particulars, to be dispersed by proclamation.

Persons not dispersing after such proclamation made, guilty of felony without clergy.

(1) This clause is expired. See s. 22.

resident within the County, City, or Place where such Meeting shall be proposed to be holden, whose Places of Abode and Descriptions shall be inserted in such Notice, and which Notice shall be given by public Advertisement in some public Newspaper usually circulated in the County and Division where such Meeting shall be holden, Five Days at the least before such Meeting shall be holden, or shall be delivered in Manner hereinafter mentioned ; and that such Notice shall not be inserted in any such Newspaper unless the Authority to insert such Notice shall be signed by Seven Persons at the least, being Householders resident within the County, City, or Place where such Meeting shall be proposed to be holden, and named in such Notice, and unless such Authority so signed shall be written at the Foot of a true Copy of such Notice, and shall be delivered to the Person required to insert the same in any such Newspaper as aforesaid, which Person shall cause such Notice and Authority to be carefully preserved ; and shall also at any Time after such Notice shall have been inserted in such Paper, and within Fourteen Days after the Day on which such Meeting shall be had, produce such Notice and Authority, and cause a true Copy thereof (if required) to be delivered to any Justice of the Peace for the County, City, Town, or Place where such Person shall reside, or where such Newspaper shall be printed, and who shall require the same ; and in case any Person shall insert any such Notice in any Newspaper without such Authority as aforesaid, or in case any Person to whom any such Notice and Authority shall have been delivered for the Purpose of inserting such Notice in any such Newspaper as aforesaid, shall refuse to produce such Notice and Authority, or to deliver a true Copy thereof, being thereunto required as aforesaid, within Three Days after such Production and Copy or either of them shall have been so required, every such person for every such Offence shall forfeit the Sum of Fifty Pounds to any Person who shall sue for the same. s. 1.

Penalty on persons inserting such notice without authority, etc. 50l.

Such Notice may be given to the Clerk of the Peace, who shall send a Copy thereof to Three Justices of the Peace of the County. s. 2. Meetings without such Notice shall be deemed unlawful Assemblies. s. 3. Adjourned Meetings had under such Notice shall also be deemed unlawful Assemblies. s. 4.

Persons assembled contrary to this act, not dispersing after being required so to do by proclamation, guilty

If any Persons exceeding the Number of Fifty shall be assembled contrary to the Provisions herein-before contained, it shall and may be lawful for any One or more Justice or Justices of the Peace, or the Sheriff of the County in which such Assembly shall be, or his Under Sheriff, or the Mayor or other Head

Officer or Justice of the Peace or Magistrate of any City or Town Corporate where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein-after directed, and he and they are hereby required to make or cause to be made Proclamation in the King's Name, to command all Persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any such persons shall to the Number of Twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of One Hour after such Proclamation made, that then such continuing together to the Number of Twelve or more shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy. 57 G. 3. c. 19. s. 5. (1).

of felony without clergy.

In case any Meeting shall be holden in pursuance of any such Notice as aforesaid, and such Notice, or any Matter which shall be in such Notice proposed to be propounded or deliberated upon at such Meeting, shall express or purport that any Matter or Thing by Law established may be altered, otherwise than by the Authority of the King, Lords, and Commons, in Parliament assembled, or such Notice, or any Matter therein contained, shall tend to incite or stir up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or of the Government and Constitution of this Realm as by Law established, it shall be lawful for One or more Justice or Justices of the Peace, or the Sheriff of the County where such Meeting shall be, or his Under Sheriff, or for the Mayor or other Head Officer, or any Justice of the Peace or Magistrate of any City or Town Corporate where any such Meeting shall be, by Proclamation in the King's Name, in the Manner and Form herein-before set forth, to command the persons there assembled to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business; and if any persons, to the Number of Twelve or more, being so commanded by Proclamation made, to disperse themselves, and peaceably to depart to their Habitations or to their lawful Business, shall, to the Number of Twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of One Hour after such Proclamation made, that then such continuing together to the Number of Twelve or more shall be adjudged Felony without Benefit of

Meetings, where notices express certain particulars, to be dispersed by proclamation.

Persons not dispersing after such proclamation made, guilty of felony without clergy.

(1) This clause is expired. See s. 22.

Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy. 57 G. 3. c. 19. s. 7. (1)

Persons obstructing justices, etc. in taking offenders into custody, guilty of felony without clergy.

If any one or more Justice or Justices of the Peace, or the Sheriff or Under-Sheriff of the County, present at any Meeting therein requiring such Notice as aforesaid, or the Mayor or other Head Officer, or Justice of the Peace or Magistrate of any City or Town Corporate, present at any Meeting therein requiring such Notice as aforesaid, shall see cause to order, and shall order any person or persons who shall at such Meeting proceed to propound or maintain any Proposition for altering any thing by Law established, otherwise than by the Authority of the King, Lords, and Commons in Parliament assembled, or shall wilfully and advisedly make any Proposition or hold any Discourse for the Purpose of inciting and stirring up the People to Hatred or Contempt of the Person of his Majesty, his Heirs or Successors, or the Government and Constitution of this Realm as by Law established, to be taken into Custody, to be dealt with according to Law; then and in case the said Justice or Justices, Sheriff or Under Sheriff, Mayor, Head Officer or Magistrate, present at such Meetings respectively, or any of them respectively, or any Peace Officer acting under their or any of their Orders, shall be obstructed in taking into Custody any person or persons so ordered to be taken into Custody, it shall be lawful for any such Justice or Justices, Sheriff, Under Sheriff, Mayor, Head Officer or Magistrate respectively, thereupon to make or cause to be made such Proclamation as aforesaid in Manner and Form aforesaid; and if any Persons to the Number of Twelve or more, being commanded by such Proclamation to disperse themselves, and peaceably to depart as aforesaid, shall to the Number of Twelve or more, notwithstanding such Proclamation made, remain or continue together by the Space of One Hour after Proclamation made, that then such continuing together to the Number of Twelve or more shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. 57 G. 3. c. 19. s. 8. (2).

Justices of Peace, Under Sheriff, Mayor, or other Head Officer, may resort to Assemblies and require assistance from the Civil Power. s. 9. Persons so assembled, not dispersing within One Hour after Proclamation may be apprehended, and shall be proceeded against according to Law; Justices, &c. killing or

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(1) }  
(2) } These clauses are expired. See s. 22.

maining such Offenders, in endeavouring to disperse, seize, or apprehend them, indemnified. 57 G. 3. c. 19. s. 10.

Provided always, that if any person or persons do or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any Justice of the Peace or other person authorized as aforesaid, who shall attend any such Meeting as aforesaid, or who shall be going to attend any such Meeting, or any person or persons who shall begin to proclaim, or go to proclaim, according to any Proclamation hereby directed to be made, whereby such Proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting any such Justice or other persons so authorized as aforesaid, and so attending or going to attend any such Meeting, or any such person or persons so beginning or going to make any such Proclamation as aforesaid, shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy; and that also every such person or persons so being assembled as aforesaid to the number of Fifty or more as aforesaid, to whom any such Proclamation as aforesaid should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the number of Twelve or more, shall continue together and not disperse themselves within One Hour after such Let or Hindrance so made, having knowledge of such Let or Hindrance so made, shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy; and that also if any person or persons so being at any such assembly as aforesaid, shall with Force and Arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any Justice of the Peace or other Magistrate, or any Peace Officer, in apprehending or taking into Custody, in execution of any of the provisions of this Act herein-before contained, any person or persons, or endeavouring so to do, that then every such opposing, obstructing, letting, hindering, or hurting shall be adjudged Felony without Benefit of Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. s. 11. (1).

Persons obstructing Justices, etc. or not dispersing upon proclamation made, shall be guilty of felony without clergy.

Sheriffs Depute in Scotland shall have the same powers as Magistrates in England. s. 12. This Act shall not render law-

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(1) This clause is expired. See s. 22.

ful any notice which before this Act would not have been so. s. 13. Places for Lectures or Debates, unless previously licensed, deemed to be disorderly places, and persons paying or receiving Money punishable as keepers of disorderly houses; Penalty on persons conducting the proceedings, &c. Twenty Pounds. s. 14. See ante, s. 15. of Statute 39 G. 3. c. 79. Persons acting as Master, &c. of such places shall be deemed and taken as the person by whom the same is opened or used. s. 15. See ante, s. 16. of 39 G. 3. c. 79. Magistrates may demand admission to unlicensed places; penalty for refusal, Twenty Pounds. s. 16. And see ante, s. 19. of 39 G. 3. c. 79. Two Justices may license places for Lectures, &c.; Licences may be revoked. s. 17. See ante, s. 18. of 39 G. 3. c. 79. Justices may frequent licensed places during the Lectures or Debates; Penalty on refusing Admittance, Twenty Pounds. s. 18. In case of seditious or immoral Lectures being delivered, the Licence shall be forfeited. s. 19. Lectures at the Universities, Inns of Court, Gresham College, &c. excepted. s. 20. And see s. 22. of 39 G. 3. c. 79. ante. Prosecutions for Offences against the foregoing provisions of this Act shall be commenced within Six Months. s. 21.

Commencement and duration of the act, as to all the foregoing clauses and provisions.

Provided always, that all the Clauses and Provisions hereinbefore contained shall commence and have effect within the City of London, and within Twenty Miles thereof, from the Day next after the Day of passing this Act; and shall commence and have effect, within all other parts of the Kingdom, from the expiration of Seven Days next after the day of passing this Act; and shall be and continue in force until the Twenty-fourth Day of July One thousand eight hundred and eighteen. s. 22.

Regulating the place of meetings in Westminster.

And whereas it is highly inexpedient that Public Meetings or Assemblies should be held near the Houses of Parliament, or near his Majesty's Courts of Justice in Westminster Hall, on such Days as are herein-after mentioned; be it therefore enacted, and it is hereby enacted, that it shall not be lawful for any person or persons to convene or call together, or to give any Notice for convening or calling together any Meeting of Persons consisting of more than Fifty Persons, or for any Number of Persons exceeding Fifty to meet in any Street, Square, or open Place in the City or Liberties of Westminster, or County of Middlesex, within the distance of One Mile from the Gate of Westminster Hall, save and except such parts of the Parish of Saint Paul's Covent Garden as are within the said distance, for the purpose or on the pretext of considering of or preparing any Petition, Complaint, Remonstrance, Declaration, or other Ad-



dress to the King, or to his Royal Highness the Prince Regent, or to both Houses or either House of Parliament, for alteration of matters in Church or State, on any day on which the Two Houses or either House of Parliament shall meet and sit, or shall be summoned or adjourned or prorogued to meet or sit, nor on any day on which his Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer, or any of them, or any Judge of any of them, shall sit in Westminster Hall, any thing herein before contained to the contrary notwithstanding; and that if any Meeting or Assembly, for the purposes or on the pretexts aforesaid, of any Persons shall be assembled or holden on any such day, contrary to the intent and meaning of this Enactment, such Meeting or Assembly shall be deemed and taken to be an unlawful Assembly by whomsoever or in consequence of what Notice soever such Meeting or Assembly shall have been holden: Provided that nothing in this Enactment contained shall by any construction whatever be deemed or taken to apply to or affect any Meeting convened, called, or holden for the Election of Members of Parliament, or any Persons attending such Meeting, or to any Persons attending upon the Business of either House of Parliament or any of the said Courts. 57 G. 3. c. 19. s. 23.

And whereas divers Societies or Clubs have been instituted in the Metropolis and in various parts of this Kingdom, of a dangerous nature and tendency, inconsistent with the Public Tranquillity, and the existence of the established Government, Laws, and Constitution of the Kingdom; and the Members of many of such Societies or Clubs have taken unlawful Oaths and Engagements of Fidelity and Secrecy, and have taken or subscribed, or assented to, illegal Tests and Declarations; and many of the said Societies or Clubs, elect appoint or employ Committees, Delegates, Representatives, or Missionaries of such Societies or Clubs to meet, confer, communicate, or correspond with other Societies or Clubs, or with Delegates, Representatives, or Missionaries of such other Societies or Clubs, and to induce and persuade other persons to become Members thereof, and by such means maintain an influence over large Bodies of Men, and delude many ignorant and unwary persons into the commission of acts highly criminal: And whereas certain Societies or Clubs calling themselves Spenceans or Spencean Philanthropists hold and profess for their object the Confiscation and Division of the Land, and the Extinction of the Funded Property of the Kingdom: And whereas it is expedient and

Spencean societies or clubs, etc. suppressed, and prohibited.

necessary that all such Societies or Clubs as aforesaid should be utterly suppressed and prohibited as unlawful Combinations and Confederacies, highly dangerous to the Peace and Tranquillity of this Kingdom, and to the Constitution of the Government thereof as by Law established; be it enacted, that from and after the passing of this Act, all Societies or Clubs calling themselves Spenceans or Spencean Philanthropists, and all other Societies or Clubs, by whatever name or description the same are called or known, who hold and profess, or who shall hold and profess the same Objects and Doctrines, shall be and the same are hereby utterly suppressed and prohibited, as being unlawful Combinations and Confederacies against the Government of our Sovereign Lord the King, and against the Peace and Security of his Majesty's liege Subjects. 57 G. 3. c. 19. s. 24.

Societies taking  
unlawful oaths,  
etc.

From and after the passing of this Act, all and every the said Societies or Clubs, and also all and every other Society or Club now established or hereafter to be established, the Members whereof shall be required or admitted to take any Oath or Engagement which shall be an unlawful Engagement within the meaning of an Act passed in the Thirty-seventh Year of his Majesty's Reign, [37 G. 3. c. 123.] or within the meaning of an Act passed in the Fifty-second Year of his present Majesty's Reign, [52 G. 3. c. 104.] (1) or to take any Oath not required or authorized by Law; and every Society or Club, the Members whereof, or any of them, shall take or in any manner bind themselves by any such Oath or Engagement, on becoming, or in order to become, or in consequence of being a Member or Members of such Society or Club; and every Society or Club, the Members or any Member whereof shall be required or admitted to take, subscribe, or assent to, or shall take, subscribe, or assent to any Test or Declaration not required or authorized by Law, in whatever manner or form such taking or assenting shall be performed, whether by Words, Signs, or otherwise, either on becoming or in order to become, or in consequence of being a Member or Members of any such Society or Club; and every Society or Club that shall elect, appoint, nominate, or employ any Committee, Delegate or Delegates, Representative or Representatives, Missionary or Missionaries, to meet, confer, or communicate with any other Society or Club, or with any Committee, Delegate or Delegates, Representative or Representatives, Missionary or Missionaries, of such other Society or Club, or to induce

or electing com-  
mittees, dele-  
gates, etc.

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(1) See these Statutes under title OATHS, § 2.

or persuade any person or persons to become Members thereof, shall be deemed and taken to be unlawful Combinations and Confederacies, within the meaning of an Act passed in the Thirty-ninth Year of the Reign of his present Majesty, [39 G. 3. c. 79.] and shall and may be prosecuted, proceeded against, and punished, according to the Provisions of the said Act; and every person who, from and after the passing of this Act, shall become a Member of any such Society or Club, or who, after the passing of this Act, shall act as a Member thereof, and every person who, from and after the passing of this Act, shall directly or indirectly maintain Correspondence or Intercourse with any such Society or Club, or with any Committee or Delegate, Representative or Missionary, or with any Officer or Member thereof, as such, or who shall, by Contribution of Money or otherwise, aid, abet, or support such Society or Club, or any Members or Officers thereof, as such, shall be deemed guilty of an unlawful Combination and Confederacy within the intent and meaning of the said Act passed in the Thirty-ninth Year of his Majesty's Reign, [39 G. 3. c. 79.] and shall and may be proceeded against, prosecuted, and punished, according to the Provisions of the said Act with regard to the Prosecution and Punishment of unlawful Combinations and Confederacies. s. 25.

shall be guilty of unlawful combination under the statute 39 G. 3. c. 79.

Provided always, that nothing in this Act contained shall extend or be construed to extend to any Society or Societies holden under the denomination of Lodges of Freemasons, in conformity to the Rules prevailing in such Societies of Freemasons, provided such Lodges shall comply with the Rules and Regulations contained in the said Act of the Thirty-ninth Year of his present Majesty, relating to such Lodges of Freemasons; nor to any Declaration to be taken, subscribed, or assented to by the Members of any Society, the form of which Declaration shall have been first approved and subscribed by Two or more Justices of the Peace, and confirmed by the major Part of the Justices present at a General Session, or at a General Quarter Sessions of the Peace, pursuant to the Rules and Regulations contained in the said Act of the Thirty-ninth Year of his present Majesty; nor shall extend or be construed to extend to any Meeting or Society of the People commonly called Quakers; or to any Meeting or Society formed or assembled for purposes of a religious or charitable nature only, and in which no other matter or business whatsoever shall be treated of or discussed. s. 26.

This act shall not extend to Freemasons Lodges; nor to declarations approved by two justices; nor to meetings or societies for charitable purposes.

And whereas in the said Act of the Thirty-ninth Year of the Reign of his present Majesty, it is amongst other things enacted,

The statute 39 G. 3. c. 79. shall not extend to Quakers meetings, em-

‘ That every Society which shall be composed of different Divisions or Branches, or of different Parts acting in any manner separately or distinct from each other, or of which any Part shall have any separate or distinct President, Secretary, Treasurer, Delegate, or other Officer elected or appointed by or for such Part, or to act as an Officer for such Part, shall be deemed and taken to be unlawful Combinations and Confederacies;’ be it enacted, that the said Enactment shall not extend or be construed to extend to any Meeting or Society of the People commonly called Quakers, or to any Meeting or Society formed or assembled for purposes of a religious or charitable nature only, and in which no other matter or business whatsoever shall be treated of or discussed. 57 G. 3. c. 19. s. 27.

Penalty on persons permitting unlawful assemblies in their houses, etc.

If any person shall knowingly permit any Meeting of any Society or Club hereby declared to be an unlawful Combination or Confederacy, or of any Division, Branch, or Committee of such Society or Club, to be held in any House or Apartment, Building, or other Place, to him or her belonging, or in his or her Possession or Occupation, such person shall for the first Offence forfeit the Sum of Five Pounds, and shall, for any such Offence committed after the Date of his or her Conviction for such first Offence, be deemed guilty of an unlawful Combination and Confederacy in breach of this Act. s. 28. See ante s. 13. of the Stat. 39 G. 3. c. 79.

Licences of public houses where unlawful clubs are held to be forfeited.

It shall be lawful for any two or more Justices of the Peace acting for any County, Stewartry, Riding, Division, City, Town, or Place, upon Evidence on Oath that any Meeting of any Society or Club hereby declared to be an unlawful Combination and Confederacy, or any Meeting for any seditious Purpose, hath been held, after the passing of this Act, at any House, Room, or Place licensed for the Sale of Ale, Beer, Wine, or Spirituous Liquors, with the Knowledge and Consent of the Person keeping such House, Room, or Place, to adjudge and declare the Licence or Licences for selling Ale, Beer, Wine, or Spirituous Liquors, granted to the person or persons keeping such House, Room, or Place, to be forfeited; and the person or persons so keeping such House, Room, or Place, shall, from and after the Day of the Date of such Adjudication and Declaration, and Notice thereof given to him, her, or them, be subject and liable to all and every the Penalties and Forfeitures for any Act done after that Day, which such person or persons would be subject and liable to if such Licence or Licences had expired, or otherwise determined on that Day. s. 29.

All or any of the pecuniary Fines, Penalties or Forfeitures, exceeding the Sum of Twenty Pounds, incurred under this Act, in England, Wales, or Berwick-upon-Tweed, may be recovered by Action of Debt in any of His Majesty's Courts of Record at Westminster, and in Scotland in the Court of Session there; and it shall be sufficient to declare in England, or conclude in Scotland, that the Defendant or Defender is indebted to the Plaintiff or Pursuer in the Sum of (being the Sum demanded by the said Action), being forfeited by an Act made in the Fifty-seventh Year of the Reign of his present Majesty, intituled "An Act for the more effectually preventing Seditious Meetings and Assemblies;" and the Plaintiff or Pursuer, if he shall recover in such Action, shall have his full Costs or Expences: and any pecuniary Penalty imposed by this Act, not exceeding the Sum of Twenty Pounds, and for the Recovery whereof no Provision is herein-before contained, shall and may be recovered before any Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place in which the same shall be incurred, or the Person having incurred the same shall happen to be, in a summary way; and in case such last-mentioned Penalty shall not be forthwith paid, such Justice or Justices shall, by Warrant under his or their Hand and Seal or Hands and Seals, and directed to any Constable or other Peace Officer, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall commit the Offender to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Borough, Town or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, nor less than Three Calendar Months: Provided always, that no Person shall be prosecuted or sued for any pecuniary Penalty imposed by this Act, unless such Prosecution shall be commenced, or such Action shall be brought, within Three Calendar Months next after such Penalty shall have been incurred. s. 30.

Penalties exceeding 20l. how to be recovered.

Penalties not exceeding 20l. how to be recovered.

All pecuniary Penalties and Forfeitures imposed by this Act shall, when recovered, either by Action in any Court, or in a summary way before any Justice, be applied and disposed of in Manner herein-after mentioned; that is to say, One Moiety thereof to the Plaintiff in any such Action, or to the Informer before any Justice, and the other Moiety thereof to His Majesty, his Heirs and Successors. s. 31.

Application of penalties.

Limitation of Actions, Three Calendar Months, and the Venue shall be laid in the County where the Offence was committed. General Issue may be pleaded. Double Costs. s. 32. Limitation of Actions, &c. in Scotland, Three Calendar Months. s. 33.

Form of Conviction.

Convictions by any Justice or Justices of the Peace for Offences against this Act, and Adjudications of Forfeitures of Licences to be made in pursuance of this Act, shall or may be in the several Forms set forth for such Purposes respectively in the Schedule to this Act annexed, or in Words to that Effect. s. 34.

Act not to affect other provisions made by law.

Provided always, that nothing in this Act contained shall be deemed to take away or abridge any Provision already made by the Law of this Realm, or of any Part thereof, for the Suppression or Punishment of any Offence whatsoever described in this Act. s. 35.

Persons not liable to prosecution under this act for having been members of any club previous to the passing of this act, etc.

Provided also, that no person shall be prosecuted under this Act for having been, before the passing of this Act, a Member of any Society or Club declared hereby to be an unlawful Combination and Confederacy, if such Person shall not in any Manner have acted as a Member of such Society or Club after the passing of this Act; but that nothing in this Act contained shall extend to prevent any Prosecution by Indictment or otherwise, for any thing which shall be an Offence within the Intent and Meaning of this Act, and which might have been so prosecuted if this Act had not been made: Provided always, that no Person who shall be prosecuted and convicted or acquitted of any Offence against this Act shall be subject or liable to be again prosecuted for the same Offence: Provided always, that nothing herein contained shall extend to discharge any Person in Custody at the Time of passing this Act, or who having been in Custody shall have been discharged on Bail or Recognizance, from any Prosecution which might have been had against such Person if this Act had not been made. s. 36.

Power of the attorney general and lord advocate and secretary of state to stay proceedings.

Provided always, that in case any Proceeding or Prosecution shall be instituted, commenced, or prosecuted for any Offence committed against the said Act of the Thirty-ninth Year of his present Majesty, or against this Act, either by Action or by Information before any Justice or Justices or otherwise, it shall and may be lawful for his Majesty's Attorney General for the time being, as to any such Action, Information, or other Proceeding in England, or for the Lord Advocate of Scotland as to any such Action, Information, or other Proceeding in Scotland, to order any such Action, Information, or other Pro-



ceeding to be stayed; and in case of any Judgment or Conviction upon any such Action, Information, or Proceeding, it shall and may be lawful for any one of His Majesty's principal Secretaries of State, by any Order made for that Purpose under his Hand, to stay the Execution of such Judgment or Conviction, or to mitigate or remit any Fine or Forfeiture, or any Part thereof. s. 37.

In every case where any House, Shop, or other Building whatever, or any Part thereof, shall be destroyed, or shall be in any Manner damaged or injured, or where any Fixtures thereto attached, or any Furniture, Goods, or Commodities whatever which shall be therein, shall be destroyed, taken away, or damaged by the Act or Acts of any riotous or tumultuous Assembly of Persons, or by the Act or Acts of any Person or Persons engaged in or making Part of such riotous or tumultuous Assembly, the Inhabitants of the City or Town in which such House, Shop, or Building shall be situate, if such City or Town be a County of itself, or is not within any Hundred, or otherwise the Inhabitants of the Hundred in which such Damage shall be done, shall be liable to yield full Compensation in Damages to the Person or Persons injured and damnified by such Destruction, taking away, or Damage; and such Damages shall and may be demanded, sued for, and recovered by the same Means and under the same Provisions as are provided in and by an Act passed in the First Year of King George the First, [1 G. 1. st. 2. c. 5.] (1) with respect to Persons injured and damnified by the demolishing or pulling down of any Dwelling House by Persons unlawfully, riotously, and tumultuously assembled. s. 38.

Damages done by riotous or tumultuous assemblies shall be recovered as under 1 G. 1. st. 2. c. 5.

This Act shall not extend to Ireland. s. 39.

The Schedule to which the Bill refers.

# I. Form of Conviction of an unlawful Combination and Confederacy.

M. } BE it remembered, That on this Day of  
to wit. } in the Year of the Reign  
of A. B. of is duly convicted  
before me [or, us] of his Majesty's Justices of the  
Peace for in pursuance of an Act of the Fifty-  
seventh Year of the Reign of King George the Third [*set forth  
the Title of the Act*] for that the said A. B. after the passing of

(1) See this Statute under title Riots.

*Sedition.*

the said Act, to wit, on the \_\_\_\_\_ Day of \_\_\_\_\_  
 at \_\_\_\_\_ did, contrary to the said Act, become a  
 Member of, [or, *as the Case may be*] act as a Member of, or  
 maintain a Correspondence or Intercourse with, or by Con-  
 tribution of Money or otherwise abet or support a Society [*de-*  
*scribing the Society*], which Society is an unlawful Combination  
 and Confederacy within the Intent and Meaning of the said  
 Act: Wherefore I [or, we] the said \_\_\_\_\_  
 do adjudge, that he the said A. B. do pay \_\_\_\_\_ [or,  
 be imprisoned] as a Penalty for his Offence, in pursuance of  
 the said Act.

Given under my Hand and Seal [or, our Hands and Seals]  
 this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
 Lord \_\_\_\_\_ and in the  
 Year of the Reign of his Majesty King \_\_\_\_\_

## II. Form of Adjudication of Forfeiture of Licence to sell Ale, &c.

M. } BE it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_  
 to wit. } \_\_\_\_\_ in the \_\_\_\_\_ Year of the  
 Reign of his present Majesty, A. B. of \_\_\_\_\_ being a  
 person licensed to sell [*as the Case may be*] is duly convicted  
 before us, Two of his Majesty's Justices of the Peace for the  
 County of \_\_\_\_\_ in pursuance of an Act of the Fifty-  
 seventh Year of the Reign of King George the Third [*set forth*  
*the Title of the Act*] for that he the said A. B. on  
 at \_\_\_\_\_ did permit a Meeting of a Society [*describe*  
*the Society*] which is an unlawful Combination and Confederacy  
 within the Intent and Meaning of the said Act, to be held at  
 \_\_\_\_\_ being the House [*as the Case may be*] of the  
 said A. B. wherein he the said A. B. is licensed to sell [*as the*  
*Case may be*]: Wherefore we the said \_\_\_\_\_ do  
 adjudge and declare, that the Licence [or, Licences, *as the*  
*Case may be*] is [or, are] for such Offence forfeited. Given  
 under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord \_\_\_\_\_, and in the  
 Year of the Reign of his Majesty King \_\_\_\_\_

## III. Form of Conviction for Offences subject to Pecuniary Penalties.

BE it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the \_\_\_\_\_ Year of the Reign of \_\_\_\_\_ A. B.  
 of \_\_\_\_\_ is duly convicted before me [or, us]  
 of his Majesty's Justices of the Peace for \_\_\_\_\_

in pursuance of an Act of the Fifty-seventh Year of the Reign of King George the Third [*set forth the Title of the Act*] for that the said A. B., after the passing of the said Act, on  
 at                                      did, contrary to the said Act [*here specify any Offence against the Act, as the Case may be*]: Wherefore I  
 [or, we] the said                                      do adjudge that the  
 said A. B. do pay the Sum of                                      as a Penalty  
 for this Offence, in pursuance of the said Act.

## Seduction.

The Statute 37 G. 3. c. 70. intituled “An Act for the better prevention and punishment of attempts to seduce persons serving in his Majesty’s Forces by Sea or Land, from their Duty and Allegiance to his Majesty, or to incite them to Mutiny or Disobedience,” recites that “divers wicked and evil-disposed persons, by the Publication of written or printed Papers, and by malicious and advised speaking, have of late industriously endeavoured to seduce persons serving in his Majesty’s Forces by Sea and Land from their Duty and Allegiance to his Majesty, and to incite them to Mutiny and Disobedience;” and then enacts, that from and after the passing of this Act, any person who shall maliciously and advisedly endeavour to seduce any person or persons serving in his Majesty’s Forces by Sea or Land from his or their Duty and Allegiance to his Majesty, or to incite or stir up any such person or persons to commit any act of Mutiny, or to make or endeavour to make any mutinous Assembly, or to commit any traiterous or mutinous Practice whatsoever, shall, on being legally convicted of such Offence, be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons endeavouring to seduce any persons serving in the sea or land forces from their duty and allegiance, or to stir them up to mutiny, etc. guilty of felony without clergy.

Provided always, that any Offence committed against this Act, whether committed on the High Seas or within that Part of Great Britain called England, shall and may be prosecuted and tried before any Court of Oyer and Terminer or Gaol Delivery for any County in that Part of Great Britain called England, in such Manner and Form as if the said Offence had been therein committed. s. 2.

Trial of offences committed on the high seas.

Provided always, and it is hereby declared and enacted, that any person who shall be tried and acquitted, or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same Offence or Fact, as High Treason or Misprision of High Treason; and that nothing

Persons tried under this act not to be otherwise punished.

But this act shall not exempt persons not tried under it from being tried for high treason, etc.

in this Act contained shall be construed to extend to prevent any persons guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason or Misprision of High Treason, in such manner as if this Act had not been made. s. 3.

The statute 37 G. 3. c. 70. (English) and 37 G. 3. (Irish) revived and made perpetual.

The above Statute was originally only a temporary Law, but the Statute 57 G. 3. c. 7. reciting that Two Acts were passed in the Thirty-seventh Year of his present Majesty's Reign, the one in the Parliament of Great Britain, the other in the Parliament of Ireland, each of them being intituled "An Act for the better Prevention and Punishment of Attempts to seduce persons serving in his Majesty's Forces by Sea or Land from their Duty and Allegiance to his Majesty, or to incite them to Mutiny or Disobedience;" and that the said Acts were afterwards continued, but are now expired, and it is expedient and necessary that the same should be revived and made perpetual; enacts, that from and after the passing of this Act, the said herein-before mentioned Acts of the Thirty-seventh Year of his Majesty's Reign, and all and every the Clauses, Powers, Punishments, and Provisions therein contained, save the Clauses or Provisions therein respectively contained limiting the Continuance of the said Acts respectively, shall be and the same are hereby revived and made perpetual.

## Sessions.

4 Inst. 170.

Every justice of peace shall cause this proclamation to be made four times in the year.

Item, the King considereth that by the negligence, misde-meaning, favour, and other inordinate causes of Justices of Peace in every Shire of this his Realm, the Laws and Ordinances made for the Politique Weal, Peace, and Good-rule of the same, and for the perfect Surety and restful Living of his Subjects, be not duly executed; and to avoid such Enormities and Injuries he will that it be enacted, that every Justice of Peace within every Shire of this Realm, within the Shire where he is a Justice of Peace, do cause openly and solemnly to be proclaimed yearly, Four Times a Year in Four Principal Sessions, the tenor of this Proclamation to this Bill annexed; and that every Justice of Peace being present at any of the said Sessions, if they cause not the said Proclamation for to be made in Form aforesaid, shall forfeit unto our Sovereign Lord at every time xx s. 4 H. 7. c. 12. s. 1.

**HENRICUS Dei Gratia, &c.** The King our Sovereign Lord considereth how daily within this Realm his Coin is traiterously counterfeited, Murders, Robberies, Felonies, been grievously committed and done, and also unlawful Reteinors, Idleness, unlawful Plays, Extortions, Misdemeanings of Sheriffs, Escheators, and many other Enormities and unlawful demeanings, daily grown more and more within this Realm, to the great displeasure of God, hurt and impoverishing of his Subjects, and to the subversion of the Policy and good Governance of this his Realm, for by these said Enormities and Mischiefs his Peace is broken, his Subjects troubled, inquieted, and impoverished, the Husbandry of this Land decayed, whereby the Church of England is upholden, the Service of God continued, every Man thereby hath his Sustenance, every Inheritor his Rent for his Land; for repressing and avoiding of the said Mischief, sufficient Laws and Ordinances have been made by Authority of many and divers Parliaments holden within this Realm, to the great Cost of the King, his Lords and Commons of the same, and lacketh nothing but that the said Laws be not put in due Execution, which Laws ought to be put in due Execution by the Justices of Peace of every Shire of this Realm, to whom his Grace hath put and given full Authority so to do sith the beginning of his Reign; and now it is come to his knowledge that his Subjects be little eased of the said Mischiefs by the said Justices, but by many of them rather hurt than helped, and if his Subjects complain to these Justices of Peace of any Wrongs done to them, they have thereby no remedy, and the said Mischiefs do increase and be not subdued; and his Grace considereth that a great Part of the Wealth and Prosperity of this Land standeth in that; that his Subjects may live in Security under his Peace in their Bodies and Goods, and that the Husbandry of this Land may increase and be upholden, which must be had by due Execution of the said Laws and Ordinances, chargeth and commandeth all the Justices of the Peace of this his Shire to endeavour them to do and execute the tenor of their Commission, and the said Laws and Ordinances ordained for the subduing of the Premises, as they will stand in the love and favor of his Grace, and in avoiding of the Pains that be ordained if they do the contrary; and moreover he chargeth and commandeth that every man, what Degree or Condition that he be of, that let them in Word or Deed to execute their said Authority in any Manner and Form abovesaid, that they shew it to his Grace, and if they do not and it come to his knowledge by other than by them, they shall not be in his favour, but taken as Men out of

The form of the proclamation.

The remissness of justices of peace in executing the laws.

Justices neglecting to execute their commissions, or any one obstructing them, liable to be punished.

Persons grieved may complain to such justices, and if they have no remedy, to the justices of assise, and then to the king.

Justices how punishable for omitting their duties.

Credence, and be put out of Commission for ever; and over this, he chargeth and commandeth all manner of Men, as well the Poor as the Rich (which be to him all one in due ministration of Justice), that is hurt or grieved in any thing that the said Justices of Peace may hear, determine, or execute in any wise, that he so grieved make his Complaint to the Justice of Peace that next dwelleth unto him, or to any of his Fellows, and desire a Remedy; and if then he hath no Remedy, if it be nigh such time as his Justices of Assises come into that Shire, that then he so grieved shew his Complaint to the same Justices; and if then he have no Remedy, or if the Complaint be made long afore the coming of the Justices of Assise, then he so grieved come to the King's Highness, or to his Chancellor for the time being, and shew his grief; and his said Highness then shall send for the said Justices to know the Causes why his said Subjects be not eased and his Laws executed, whereupon if he find any of them in default of executing of his Laws in the Premises, according to his high Commandment, he shall do him so offending to be put out of the Commission, and further to be punished according to his demerits; and over that, his said Highness shall not let, for any favour, affection, cost, charge, nor other cause, but that he shall see his Laws to have plain and true Execution, and his Subjects to live in surety of their Lands, Bodies, and Goods, according to his said Laws, and the said Mischiefs to be avoided, that his Subjects may increase in Wealth and Prosperity to the Pleasure of God.

## Severn River.

Ferry keepers on the Severn shall not transport persons during the night across that river.

Every person taking upon him to have and keep any of the said Passages over the River and Water of Severn [Auste, Fremeland, Pyrton, Arlington, Newenham, Portsedes Poynte], or any other Passages upon Severn aforesaid, shall not convey, neither carry with any manner Barge, Boat, or other Vessel, any person with Horses, Mares, Oxen, Kine, or any other Cattle, nor no other person, before Sun-rising and after the Sun being gone down at Night, upon Pain of Imprisonment and Fine to be set on him that shall so carry or convey over any of such Passages over the said River, out of England into Wales or the Forest of Dean, or out of Wales or the Forest of Dean into England, unless the said Passengers have good knowledge of such person and their Dwelling Places. 26 H. 8. c. 5.



## Sheriff.

Item, because that the People of the Realm have suffered many Evils and Mischiefs, for that Sheriffs of divers Counties by virtue of Commissions granted to them at their own Suit for their singular profit to gain of the people, have made and taken divers Inquests to cause to indict the people at their will, and have taken fine and ransom of them to their own use, and have delivered them, whereas such persons indicted were not brought before the King's Justices to have their deliverance; it is accorded and established, for to eschew all such Evils, that from henceforth no such Commissions nor Writs shall be granted. 28 Ed. 3. c. 9.

Cro. Eliz. 371.  
In future, no commissions shall issue to the sheriffs at their own suits.

Recital of 14 Ed. 3. st. 1. c. 7.—42 Ed. 3. c. 9.—1 R. 2. c. 11. Our said Lord the King considering the Premises, hath ordained by the authority aforesaid, that the Statutes before recited, and every of them, shall be duly observed in every County of *England*. (The Under Sheriffs, and all other Officers within the City of *London*, which now be, or shall be at all times excepted; and such Counties only except in which divers of the King's liege people be inheritable to the Office of Sheriffs at this day, and also such persons as have Estate of Freehold in the Office of Sheriffs at this day, and except the Letters Patents made to them of the Office of Sheriffs, and their Under Sheriffs and Clerks.) And if any Sheriff or Under Sheriff, or Sheriff's Clerk, occupy the Office of Sheriff, Under Sheriff, or Sheriff's Clerk, contrary to any of the Statutes afore recited, or against the effect or intent of any of them (except before excepted), that then he which doth so occupy shall forfeit the Sum of CC li. yearly, as long as he occupy contrary to the effect of the said Statutes; and that every pardon hereafter to be made for such Offence or Occupation, or Forfeiture of Sums before recited, shall be void and not available; and all Patents made or to be made of any of the said Offices for Terms of Years, for Term of Life, or in Fee-Simple, or in Fee-Tail, to any of the King's liege people, (except before excepted), shall be void and of no value by the same authority; any Clause or Word of non obstante in any wise put or to be put in such Patents to be made notwithstanding. And moreover, whosoever will take upon him or them to have or occupy the said Office of Sheriff by virtue of such Grants or Patents now to be made for Term of Years, for Term of Life, Fee-Simple, or Fee-Tail, shall stand for ever and at all times disabled to be or bear the Office of Sheriff

The penalty for acting as sheriff, under sheriff, etc. contrary to 14 Ed. 3. 42 Ed. 3. and 1 R. 2.

within any County in England by the same authority. And that every liege man, which will sue for the said Sum forfeit against him or them, which in such manner doth forfeit or shall forfeit, shall be received and admitted to sue an Action of Debt in his own name; our Lord the King to have the one half of all that shall happen by the same Action to be recovered by such Suit, and he or they that so pursue to have the other half. 23 H. 6. c. 7.

Sheriffs shall not act as justices of peace during their sheriffwick.  
2 Bulstr. 8.

No manner of person or persons having, using, or exercising the Office of the Sheriff of any County, shall use or exercise the Office of the Justice of the Peace by force of any Commission or otherwise, in any County or Counties where he or they shall be Sheriff, during the time only that he or they shall use or exercise the said Office of Sheriffwick; any thing in the said former Act [1 Ed. 6. c. 7.] to the contrary notwithstanding (1). And that every Act and Acts to be done by any such Sheriff and Sheriffs by authority of any Commission of the Peace during the time abovesaid, shall be void and of none effect, the said former Act notwithstanding. 1 Mar. st. 2. c. 8.

Sheriffs of London and Middlesex shall not take of the under sheriff any gratuity for that place;

nor compel him to be at any more than the usual expence.

Whereas the Offences mentioned in this Act (2) are generally committed in London and Middlesex, and the Rewards (3) hereby granted being to be paid by the Under Sheriffs of the said Counties, by reason whereof they will be obliged to disburse great Sums of Money, be it therefore enacted, that no Sheriff of London and Middlesex shall accept, demand, take, or receive of his or their Under Sheriff, directly or indirectly, either by himself, or any person or persons in trust for him or them, any Sum or Sums of Money, Gratuity, or Present whatsoever, for the Execution of the Place of Under Sheriff, nor in any manner oblige his or their Under Sheriff, by Covenant, Promise, or otherwise, to be at any expence or charge in relation to the said Place of Under Sheriff, which ought and hath been usually paid and disbursed by the High Sheriff, except the Rewards given by this or any other Act for the apprehending Highwaymen, Clippers, Coiners, and Housebreakers (4); and the Fees of passing such High Sheriff's Accounts in the Exchequer, and such other Disbursements as have been heretofore customarily sustained by the Under Sheriff. 5 Ann. c. 31. s. 8.

(1) This Statute enabled Justices of Peace and Justices of Assize and Oyer and Terminer to fulfil those Offices, notwithstanding their Accession to certain Titles or Offices.

(2) Burglary and Housebreaking.

(3) } Repealed by 58 G. 3. c. 70. See title REWARDS.  
(4) }

## Sheriff's Tourn.

Forasmuch as Sheriffs, feigning many times certain persons to be indicted before them in their Turns of Felonies and other Trespasses, do take men that are not culpable nor lawfully indicted and imprison them, and do exact money from them, whereas they were not lawfully indicted by Twelve Jurors; it is ordained, that Sheriffs in their Turns, and in other places where they have power to enquire of Trespassers by the King's Precept, or by Office, shall cause their Inquests of such Malefactors to be taken by lawful men, and by twelve at the least, which shall put their Seals to such Inquisitions; and those that shall be found culpable by such Inquests, they shall take and imprison, as they have used aforetimes to do. And if they do imprison other than such as have been indicted by such Inquest, the parties imprisoned shall have their Action by a Writ of Imprisonment against the Sheriffs, as they should have against any other person that should imprison them without Warrant; and as it hath been said of Sheriffs, so shall it be observed of every Bailiff of Franchise. 13 Ed. 1. c. 13.

Inquests in sheriffs tourns shall be taken by twelve lawful men, who shall sign such Inquisitions.

The King commandeth, that the Sheriffs and Bailiffs of Franchises, and all other that do take Indictments in the Turns or elsewhere where Indictments ought to be made, shall take such Indictment by Roll indented, whereof the one part shall remain with the Indictors, and the other part with him that taketh the Inquest: so that the Indictments shall not be embezilled as they have been in times past, and so that one of the Inquest may shew the one part of the Indenture to the Justices when they come to make deliverance. 1 Ed. 3. st. 2. c. 17.

How indictment shall be taken in the sheriffs tourn.

12 Co. 49.  
See 3 Burr.  
1860.

Recital of the Statute 9 H. 3. st. 1. c. 35. as to the time of holding the Sheriff's Tourn, and directing that the Tourn shall be held yearly one time within a month after Easter, and another within a month after St. Michael. If held otherwise, the Tourn shall be lost for the time. 31 Ed. 3. c. 15.

When the tourn shall be held.

By the Statute 1 Ric. 3. c. 4. s. 1. no Bailiff or other Officer shall return or impanel any person in any Shire in England to be taken or put upon any Inquiry or Inquisitions before Sheriffs in their Tourns, but such as be of good name and fame, and having Lands and Tenements of Freehold within the same Shire, of the yearly value of xx s. at the least, or else Lands and Tenements holden by custom of manor within the same Shire of the yearly value of xxvj s. viij d. over all charges at the least.

Qualification of jurors in the sheriffs tourn.

Every Indictment before any Sheriff in his Tourn otherwise taken shall be void. s. 2.

The inconvenience of unlawful indictments in sheriffs tourns by mean persons.

Indictments and presentments taken in the sheriffs tourns shall be delivered to the justices of peace of the same county.

Whereas many of the King's faithful liege People, as well Spiritual as Temporal, by the inordinate and infinite Indictments and Presentments, as well of Felony, Trespasses, and Offences, as of other things, which of long time have been had and used within the Counties of this Realm, and taken before Sheriffs for the time being in their Counties severally, Under-sheriffs, their Clerks, Bailiffs and Ministers, at their Tourns or Law Days, holden before them severally in the Counties; which Indictments and Presentments be oftentimes affirmed by Jurors having no conscience, nor any Freehold and little Goods, and often by the said Sheriffs menial Servants and Bailiffs, and their Under-sheriffs, by which Indictments and Presentments the said lawful liege People be attached and arrested by their bodies, and put in Prison by the said Sheriffs, Under-sheriffs, their Clerks, Bailiffs, and Ministers, to the great loss of their Goods; and they so being in Prison, by the said Sheriffs, Under-sheriffs, their Clerks, Bailiffs, and their Ministers, are constrained to make grievous Fines and Ransoms, and levy of them great Fines and Amerciaments for the said Indictments and Presentments, in great hindrance and utter undoing of the said liege People; after which Fines, Ransoms, and Amerciaments so rated and levied by the said Sheriffs, Under-sheriffs, Clerks, Bailiffs and their Ministers, the People aforesaid be enlarged out of Prison, and the said Indictments and Presentments be embezilled and withdrawn: Our said Lord the King considering the premises, by the advice and assent of the Lords Spiritual and Temporal, and at the request of the Commons in this present Parliament assembled, and by authority of the same, hath ordained and stablished, that all manner Indictments and Presentments that shall be taken hereafter before any of his said Sheriffs of his Counties, for the time being, their Under-sheriffs, Clerks, Bailiffs, or Ministers, at their Tourns or Law Days before mentioned, they nor any of them shall have power or authority to attach, arrest, or put in Prison, nor to levy any Fines or Amerciaments of any person or persons so indicted or presented by reason or colour of any such Indictment or Presentment taken or to be taken before them, or any of them, nor to make or take of any such person or persons so indicted or presented, any Fine or Ransom; but that the said Sheriffs and their Under-sheriffs, Clerks, or Bailiffs, and their Ministers, shall bring, present, and deliver all such Indictments and Presentments taken before them, or any of them, in their Tourns or Law Days aforesaid, to the Justices

of Peace at their next Sessions of the Peace that shall be holden in the County or Counties where such Indictments or Presentments shall be taken, before the said Justices of such County or Counties for the time being; and if any of the said Sheriffs, Under-sheriffs, Clerks, Bailiffs, and their Ministers, do not bring, deliver, and present all such Indictments or Presentments so taken before them and every of them in their Tourns or Law Days as before is recited, at such Sessions of the Peace before the said Justices of Peace, that then all such Sheriffs, Under-sheriffs, Clerks, Bailiffs, and their Ministers, and every of them, that so shall fail in bringing, delivering, and presenting of such Indictments or Presentments, shall forfeit to the King Forty Pounds at every time that they or any of them doth the contrary; and that the said Justices of Peace shall have power and authority to award process upon all such Indictments and Presentments as the Law doth require, and in like form as if the said Indictments and Presentments were taken before the said Justices of Peace in the said County or Counties; and also to arraign and deliver all such person or persons so indicted and presented before the said Sheriffs, Under-sheriffs, their Clerks, Bailiffs, and their Ministers, or any of them, in their Tourns or Law Days; and all such persons or person which be indicted or presented of Trespass shall make such a Fine as shall seem lawful by their discretions; and the Estreats of the said Fines and Amerciaments shall be enrolled, and by indenture be delivered to the said Sheriffs, Under-sheriffs, their Clerks, Bailiffs, or Ministers, or some of them, to the use and profit of him that was Sheriff in the said Counties or County at the time of such Indictments or Presentments taken; and if any of the said Sheriffs, their Under-sheriffs, Clerks, Bailiffs, or Ministers, do arrest, attach, or put in Prison, or cause any Fine or Ransom to be taken, or levy any Amerciament of any person or persons so indicted or presented, by reason or colour of any such Indictment or Presentment taken before them at their Tourns or Law Days above rehearsed, before that they have process from the said Justices of Peace, or Estreats delivered out of the said Indictments or Presentments so brought, delivered, and presented to them, that then the Sheriffs which so do shall forfeit an Hundred Pounds, the one half thereof to be employed to the Expences of the King's House, and the other half to the party or parties which be or is indamaged, and he or they shall have therefore an Action of Debt at the Common Law, and like Process as is in an Action of Debt at the Common Law. 1 Ed. 4. c. 2.

Justices of peace shall award process against persons so indicted, and arraign and deliver the offenders.

The estreats shall be indented and delivered by the justices of peace to the sheriff.

This statute  
not to extend  
to the sheriffs of  
London.

Provided that this present Ordinance do not extend nor in anywise be prejudicial to the Sheriffs of the City of London now being, or which at any time hereafter shall be, concerning any Indictments or Presentments to be taken within the said City of London. s. 2.

Nor to grants of  
liberties, etc. or  
franchises, etc. by  
prescription.

This Act shall not extend nor be prejudicial to persons having grants of Fines or Amerciaments by Letters Patent bearing date before the 10th December, 1 Ed. 4.; and that this Act and Ordinance do not extend nor be prejudicial to any person or persons having any Liberties or Franchises by any of the said Letters Patent, or in any other manner by prescription. s. 3.

## Sheriff's Officers.

How long  
sheriffs officers  
shall be in office.

Under sheriffs,  
etc. shall not act  
as attornies  
during their  
office.

They which be Bailiffs and Sheriffs by One Year shall be in no such Office by Three Years next following, except Bailiffs of Sheriffs which be inheritable in their Sheriffwicks; and no Under Sheriff, Sheriff's Clerk, Receiver, nor Sheriff's Bailiff shall be Attorney in the King's Courts during the time that he is in Office with any such Sheriff. 1 H. 5. c. 4.

## Ships.

(And see title PIRACY.)

- I. *Wilfully casting away, burning, or otherwise destroying any Ship or Vessel.*
- II. *Wilfully setting on Fire, burning, or otherwise destroying any of his Majesty's Ships or Vessels of War, Arsenal, &c.*
- III. *Plundering Vessels wrecked, &c. or in Distress; beating or wounding any Person endeavouring to save their Life, or otherwise obstructing their Escape therefrom; stealing any Pump belonging thereto; and putting out false Lights to bring such Vessels into Danger.*
- IV. *Injuries to the Moorings, Buoys, &c. of Vessels in the River Thames, or by Pilots, Boatmen, &c. in other situation.*
- V. *Seamen, Keelmen, and others, riotously assembling and obstructing the loading, unloading, or sailing of any Vessel; preventing other Seamen, &c. from working; or setting Fire to, or burning, or otherwise destroying or damaging any Vessel.*

As to the Offence of Larceny committed on board Ships, see Title LARCENY AND ROBBERY, VII.; and as to the Offence of receiving any part of the cargo of any vessel lying in the river Thames, see Title RECEIVING STOLEN GOODS, § 3.



***I. Wilfully casting away, burning, or otherwise destroying any Ship or Vessel.***

The Statute 22, 23 Car. 2. c. 11. s. 12. reciting that it often happens that Masters and Mariners of Ships, having insured or taken upon Bottomry greater Sum of Money than the Value of their Adventure, do wilfully cast away, burn, or otherwise destroy the Ships under their Charge, to the Merchants and Owners great loss, enacts, that if any Captain, Master, Mariner, or other Officer belonging to any Ship, shall wilfully cast away, burn, or otherwise destroy the Ship unto which he belongeth, or procure the same to be done, he shall suffer Death as a Felon.

The captain, master, mariner, etc. belonging to any ship wilfully casting away or destroying such ship, shall suffer death.

For the effectual preventing the wilful casting away, burning, or otherwise destroying, by Masters and Mariners, of Ships under their Charge, be it enacted, that if any Captain, Master, Mariner, or other Officer belonging to any Ship, shall, after 12th February 1702, wilfully cast away, burn, or otherwise destroy the Ship unto which he belongeth, or procure the same to be done, to the Prejudice of the Owner or Owners thereof, or of any Merchant or Merchants that shall load Goods thereon, he shall suffer Death as a Felon. 1 Anne, st. 2. c. 9. s. 4.

Captains, masters, mariners, or officers belonging to ships, wilfully casting away, burning, or destroying such ship, shall suffer death.

All and every the said Offence and Offences committed on the High Seas, or where the Admiralty hath Jurisdiction, shall be enquired, tried, heard, determined, and judged in such Shires and Places in the Realm as shall be limited in the Queen's Commission under the Great Seal of England, in such Manner and Form as in and by an Act [28 H. 8. c. 15.] is directed and appointed for the Trial of Pirates: and that all and every person and persons who from and after the said 12th February 1702, shall be convict of any of the said Offence or Offences last mentioned, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, shall suffer Death, without Benefit of Clergy. s. 5.

How and where such offenders shall be tried.

Such offenders standing mute, or challenging peremptorily above twenty, shall also suffer death.

If any person or persons shall make, or be assisting in the making any Hole in the Bottom, Side, or any other part of any Ship or Vessel so in Distress (1), or shall wilfully do any thing tending to the immediate Loss or Destruction of such Ship or Vessel, such person or persons shall be and are hereby made guilty of Felony, without any Benefit of his, her, or their Clergy. 12 Anne, st. 2. c. 18. s. 5.

Persons making holes in the bottom, etc. of any ship in distress guilty of felony without clergy.

This Act is made perpetual by 4 G. 1. c. 12. s. 1.

The Act 12 Anne, st. 2. c. 18. or any thing therein contained, shall not be construed to extend to or anyways affect the an-

A saving of the rights of the admiralty court of the cinque ports.

(1) See note (1) page 925.

cient Jurisdiction and Usage of the Admiralty Court of the Cinque Ports, or the Officers thereto belonging; but the proper Officers of the said Admiralty Court shall be and are hereby authorized and empowered to put the said Act in Execution within the Jurisdiction of the said Cinque Ports, in as full and ample Manner, to all Intents and Purposes, as any other person or persons are by the said Act appointed to do in any other Parts of this Kingdom. 4 G. 1. c. 12. s. 2.

The Acts 12 Anne, st. 2. c. 18. and 4 G. 1. c. 12. shall in all things remain in full force, save only so far as the same are altered or changed by this present Act. 26 G. 2. c. 19. s. 16.

The statutes  
4 G. 1. c. 12.  
s. 3. and 11 G. 1.  
c. 29. s. 5, 6, 7.  
repealed.

The Statute 43 G. 3. c. 113. "for the more effectually providing for the Punishment of Offences in wilfully casting away, burning, or destroying Ships and Vessels," recites the third Section of Statute 4 G. 1. c. 12. and the fifth, sixth, and seventh Sections of the Statute 11 G. 1. c. 29., and that "the Provisions in the said in part recited Acts have been found inadequate and ineffectual for the Prevention and Punishment of the Offences therein mentioned;" and then enacts, that the said Provisions of the said two several in part recited Acts, and every of them, be henceforth repealed. s. 1.

Persons wilfully  
casting away, etc.  
or otherwise  
destroying any  
ship, etc. with  
intent to preju-  
dice certain  
parties, or coun-  
selling, etc. the  
same to be done,  
ousted of clergy.

If any person or persons shall, from and after 16th July 1803, wilfully cast away, burn, or otherwise destroy any Ship or Vessel, or in anywise counsel, direct, or procure the same to be done, and the same be accordingly done, with Intent or Design thereby wilfully and maliciously to prejudice any Owner or Owners of such Ship or Vessel, or any Owner or Owners of any Goods loaden on board the same, or any Person or Persons, Body Politic or Corporate, that hath or have underwritten or shall underwrite any Policy or Policies of Insurance upon such Ship or Vessel or on the Freight thereof, or upon any Goods loaden on board the same, the person or persons offending therein, being thereof lawfully convicted, shall be deemed and adjudged a principal Felon or Felons, and shall suffer Death as in cases of Felony, without Benefit of Clergy. s. 2.

Such offences, if  
committed  
within the body  
of a county, may  
be tried as other  
felonies are;

If any such Ship or Vessel shall, from and after the said 16th July 1803, be wilfully cast away, burnt, or otherwise destroyed within the Body of any County of this Realm, then the said several Offences, as well in wilfully casting away, burning, or otherwise destroying such Ship or Vessel, as in counselling, directing, or procuring the same to be done as aforesaid, shall and may be respectively enquired of, tried, determined, and adjudged in the same Courts, and in such Manner and Form, as

Felonies done within the Body of any County, by the Laws of this Realm now are to be, or by virtue of this Act (1) hereafter may be enquired of, tried, determined, and adjudged; and if any such Ship or Vessel shall be wilfully cast away, burnt, or otherwise destroyed on the High Seas, that then the said several Offences, as well in wilfully casting away, burning, or otherwise destroying any such Ship or Vessel, as in counselling, directing, and procuring the same to be done as aforesaid, shall and may be respectively enquired of, tried, determined, and adjudged before such Court, and in such Manner and Form, as in and by an Act made in the 28th Year of King Henry the 8th, intituled "For Pirates," is appointed and directed for the inquiring, trying, determining, and adjudging of Felonies upon the High Seas. s. 3.

and if committed on the high seas shall be tried as under 28 H. 8. c. 15.

By s. 7. the Act shall not extend to Ireland.

*II. Wilfully setting Fire to or burning or otherwise destroying any of his Majesty's Ships of War, Arsenals, &c.*

The Statute 12 G. 3. c. 24. intituled "An Act for better preserving and securing his Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores," reciting that "whereas the Safety and Preservation of his Majesty's Ships of War, Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, Military, Naval, and Victualling Stores, and the places where such Stores are kept or deposited, either within this Realm or in any of the Islands, Countries, Forts, or places thereunto belonging, is of great importance to the Welfare and Security of the Kingdom;" enacts, that if any person or persons shall, either in this Realm or in any of the Islands, Countries, Forts, or places thereunto belonging, wilfully and maliciously set on Fire or burn, or otherwise destroy, or cause to be set on Fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on Fire, or burning, or otherwise destroying of any of his Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float, or building, or begun to be built in any of his Majesty's Dock Yards, or building or repairing by Contract in any private Yards, for the use of his Majesty, or any of his Majesty's Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the Buildings erected therein or belonging thereto, or any Timber or Mate-

Persons maliciously setting on fire or destroying any king's ships, or any arsenal, etc. or stores, guilty of felony without clergy.

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(1) See section 5. of the Act under title LARCENY AND ROBBERY, XXI. § 10. p. 529 of the first part of this Work.

materials there placed for building, repairing, or fitting out of Ships or Vessels, or any of his Majesty's Military, Naval, or Victualling Stores, or other Ammunition of War, or any place or places where any such Military, Naval, or Victualling Stores, or other Ammunition of War, is, are, or shall be kept, placed, or deposited, that then the person or persons guilty of any such Offence, being thereof convicted in due form of Law, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy.

Such offence committed out of the realm may be tried in any county in this kingdom.

By s. 2. any person who shall commit any of the Offences before mentioned in any place, out of this Realm, may be indicted and tried for the same either in any Shire or County within this Realm, in like manner and form as if such Offence had been committed within the said Shire or County, or in such Island, Country, or place where such Offence shall have been actually committed, as his Majesty, his Heirs or Successors, may deem most expedient for bringing such Offender to Justice, any Law, Usage, or Custom notwithstanding.

III. *Plundering Vessels wrecked or in distress, beating or wounding any Person endeavouring to save their Life, or otherwise obstructing their Escape therefrom, stealing any Pump belonging thereto, and putting out False Lights to bring such Vessels into Danger.*

Persons plundering shipwrecked goods, &c.

or any tackle, etc. belonging to such ship ;  
or beating, etc. with intent to kill any person endeavouring to save his life from such wreck ;  
or putting out false lights ;

shall be guilty of felony and suffer death.

If any person or persons shall plunder, steal, take away, or destroy any Goods or Merchandizes, or other Effects from or belonging to any Ship or Vessel of his Majesty's Subjects or others, which shall be in distress, or which shall be wrecked, lost, stranded, or cast on Shore in any part of his Majesty's Dominions (whether any living Creature be on board such Vessel or not), or any of the Furniture, Tackle, Apparel, Provision, or part of such Ship or Vessel, or shall beat or wound with intent to kill or destroy, or shall otherwise wilfully obstruct the Escape of any person endeavouring to save his or her life from such Ship or Vessel, or the Wreck thereof, or if any person or persons shall put out any False Light or Lights, with intent to bring any Ship or Vessel into danger, then such person or persons so offending shall be deemed guilty of Felony, and being lawfully convicted thereof, shall suffer Death as in cases of Felony, without Benefit of Clergy. 26 G. 2. c. 19. s. 1.

See this Act at large under Title LARCENY, VII. § 3. p. 440 of the First Part of this Digest; and as to the Offence of as-

saulting any Sheriff, Justice of the Peace, or other Officers assisting in saving the Cargo of any Vessel wrecked, &c. see p. 25. of the First Part of this Digest, Title ASSAULT, XI.

If any person or persons shall steal any Pump belonging to any Ship or Vessel so in distress as aforesaid (1), or shall be aiding or abetting in the stealing such Pump as aforesaid, such person or persons shall be and are hereby made guilty of Felony, without any Benefit of his, her, or their Clergy. 12 Ann. st. 2. c. 18. s. 5. Made perpetual by 4 G. 1. c. 12. s. 1.

Persons stealing the pump of any vessel in distress ousted of clergy.

*IV. Injuries to the Moorings, Buoys, &c. of Vessels in the River Thames, or by Pilots, &c. in other Situations.*

As to the Offence of receiving any part of the Cargo, &c. of any Vessel in the River Thames, see Title RECEIVING STOLEN GOODS.

If any person or persons shall cut, damage, or spoil any Cordage, Cable, Buoys, Buoy-rope, Head Fast, or other Fast fixed to any Anchor or Moorings belonging to any Ship or Vessel at Anchor or Mooring in the River Thames, or any Rope used for the purpose of mooring, or rafting Masts or Timber, or shall be aiding or assisting therein with an intent to steal the same, such person or persons shall, being convicted thereof on the Oath of Two or more credible Witnesses, be transported to some of his Majesty's Plantations in America for the space of Seven Years, according to the Laws now in force for the Transportation of Felons. 2 G. 3. c. 28. s. 13.

Persons cutting, etc. the cable, etc. of any vessel in the Thames, with intent to steal the same, shall be transported.

The Statute 48 G. 3. c. 130. s. 6. enacts, that if any person or persons shall from and after 1st August 1808, wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall do or commit any act with intent and design to cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any Buoy, Buoy-rope, or Mark belonging to any Ship or Vessel, or which may be attached to any Anchor or Cable belonging to any Ship or Vessel whatever, within the Jurisdiction aforesaid (2), with intent thereby to defraud or injure any person or persons whatsoever, or Body Corporate, such person or persons so offending shall, on being convicted of such

Persons wilfully cutting away, casting adrift, removing, sinking, or destroying buoys or buoy-ropes, guilty of felony.

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(1) In danger of being stranded or run on shore, or being stranded or run on shore, see s. 1. of the Act, which see; it directs Sheriffs, Justices of the Peace, Custom House Officers, &c. to assist such Vessels so in distress, and contains Regulations for that Purpose.

(2) Of the Cinque Ports.

Offence, be deemed and adjudged guilty of Felony, and shall be transported for any term of Years not exceeding Fourteen Years.

Pilots, etc. advising masters of ships to cut their cables, etc. or do any act tending to the destruction of the vessel, with intent to prejudice any person, guilty of felony.

By s. 12. if any Pilot, Boatman, or other person or persons within the Jurisdiction aforesaid (1) shall at any time after 1st August [1808] counsel, instruct, direct, advise, or procure any Master or other person on board of any Ship or Vessel within the Jurisdiction aforesaid, whether such Ship be at the time in distress or otherwise, to cut such Ship's or Vessel's Cable or Buoy-rope, or to do any other act whatever which shall or may tend to the Destruction or Wreck of such Ship or Vessel, with intent thereby to prejudice any Owner or Owners of such Ship or Vessel, or any Owner or Owners of any Goods loaden on board the same, or any person or persons, Body Politic or Corporate, that hath or have underwritten or shall underwrite any Policy or Policies of Insurance upon such Ship or Vessel or on the Freight thereof, or upon any Goods loaden on board the same, the person or persons offending therein, being thereof lawfully convicted, shall be deemed and adjudged guilty of Felony, and be liable to be transported for any period of time not exceeding Fourteen Years.

The above Act was originally made to continue for Seven Years, and from thence to the end of the then next Session of Parliament; and by the Statute 53 G. 3. c. 87. was further continued for Seven Years from the passing of that Act, and to the end of the then next Session of Parliament.

Persons wilfully cutting away, etc, sinking, or destroying any buoy or buoy-rope, guilty of felony.

The Statute 49 G. 3. c. 122. for preventing Frauds, &c. committed on Merchants, Ship Owners, &c. by Boatmen and others, reciting that great depredations have for many years past been committed by Boatmen, Pilots, Hovellers and others, on Ships in Distress and otherwise, and Anchors, Cables, and other Property of Ships and Vessels on the Coasts and in the Harbours, Bays, and Rivers of England and Wales, and the Town and Harbour of Berwick-upon-Tweed, are oftentimes carried away or destroyed by such Boatmen, Pilots, Hovellers and others, or when found are not restored to the Owners thereof; enacts, that if any person or persons shall from and after 1st August 1809, wilfully cut away, cast adrift, remove, alter, deface, sink or destroy, or shall do or commit any act with intent and design to cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any Buoy, Buoy-rope, or Mark belonging to any Ship or Vessel, or which may be attached

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(1) Of the Cinque Ports.



to any Anchor or Cable belonging to any Ship or Vessel whatever, whether in Distress or otherwise, such person or persons so offending shall, on being convicted of such Offence, be deemed and adjudged to be guilty of Felony, and shall be liable to be transported for any Term not exceeding Seven Years, or in mitigation of such punishment, to be imprisoned for any number of Years, at the Discretion of the Court in which the Conviction shall be made. s. 12.

If any person or persons shall knowingly and wilfully, and with intent to defraud and injure the true Owner or Owners thereof, or any person interested therein as aforesaid, purchase or receive any Anchors, Cables, or Goods or Merchandize, which may have been taken up, weighed, swept for, or taken possession of, whether the same shall have belonged to any Ship or Vessel in Distress or otherwise, or whether the same shall have been preserved from any Wreck, if the Directions hereinbefore contained with regard to such Articles shall not have been previously complied with, such person or persons shall, on conviction thereof, be deemed guilty of receiving stolen Goods knowing the same to be stolen, as if the same had been stolen on Shore, and suffer the like Punishment as for a Misdemeanor at the Common Law, or be liable to be transported for seven Years, at the discretion of the Court before which he, she, or they shall be tried. s. 13.

Persons purchasing or receiving anchors, cables, or goods unlawfully come by, punishable as receivers of stolen goods.

The sixteenth Section, reciting that Pilots Hovellers, Boatmen, and other persons in small Vessels have, for many Years, conveyed Anchors and Cables which may have been weighed, swept for, or taken possession of by them as aforesaid, or which they may have purchased of other persons, knowing them to have been weighed, swept for, or taken possession of without being reported as aforesaid, to Foreign Countries, and there sold and disposed of, to the manifest Injury and Loss of the Owners thereof; for remedying thereof, enacts, that every Pilot, Hoveller, Boatman, or the Master of any such Vessel who shall convey, after the said 1st of August 1809, any such Anchor or Cable to any Foreign Port, Harbour, Creek or Bay, and there sell and dispose of the same, shall be deemed and adjudged guilty of Felony, and shall be transported for any Term not exceeding Seven Years.

Persons conveying abroad, and there disposing of anchors, etc. unlawfully come by, guilty of felony.

By s. 34. this Act was to continue for Seven Years from the passing thereof, and by Stat. 53 G. 3. c. 87. was further continued for Seven Years from the passing of that Act, and from thence to the end of the then next Session of Parliament.

*V. Seamen, Keelmen, and others, riotously assembling and obstructing the loading, unloading or sailing of any Vessel, preventing other Seamen, &c. from working, or setting Fire to or burning or otherwise destroying or damaging any Vessel.*

The Statute 33 G. 3. c. 67. intituled "An Act for better preventing Offences in obstructing, destroying, or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters, and Ship Carpenters, from pursuing their lawful Occupations," recites that "many Seamen, Keelmen, Casters, and Ship Carpenters have of late assembled themselves in great Numbers, and have committed many Acts of Violence; which Practices, if continued, may occasion great Loss and Damage to Individuals, and injure the Trade and Navigation of this Kingdom;" and then "for the better preventing such violent and injurious Practices, and more effectually punishing such Offenders," enacts, that if any Seamen, Keelmen, Casters, Ship Carpenters, or other Persons, riotously assembled together to the number of Three or more, at any time after 24th June 1793, shall unlawfully and with Force prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of any Ship, Keel, or other Vessel, or shall unlawfully and with Force board any Ship, Keel, or other Vessel, with intent to prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of such Ship, Keel, or other Vessel, every Seaman, Keelman, Caster, Ship Carpenter, and other Person, being lawfully convicted of any of the Offences aforesaid, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace, to be holden respectively in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be committed either to the Common Gaol for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, or to the House of Correction for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, and to be kept to hard Labour for any Term not exceeding Twelve Calendar Months, nor less than Six Calendar Months, in either case respectively. s. 1.

Seamen, keelmen, or others, riotously assembling, and forcibly preventing the loading, etc. or sailing of any vessel, etc.

shall be imprisoned and kept at hard labour.

Such persons forcibly preventing others from working, etc.

If any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other person or persons, at any time after the said 24th June 1793, shall unlawfully and with Force prevent, hinder, or obstruct any Seaman

or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, from working at, employing himself in, or exercising his lawful Trade, Business, or Occupation respectively, or shall wilfully and maliciously assault, beat, or wound, or use or commit any bodily Violence or Hurt to or upon any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, with intent to deter, prevent, hinder, or obstruct such Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, from working at, employing himself in, or exercising his lawful Trade, Business or Occupation respectively, every Seaman, Keelman, Caster, Ship Carpenter, and other Person, being lawfully convicted of any of the Offences last mentioned, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace to be holden respectively in and for the said County, Shire, Riding, Division, or District wherein the Offence was committed, shall be committed either to the Common Gaol for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, or to the House of Correction for the same County, Shire, Riding, Division, or District, there to continue and remain without Bail or Mainprize, and to be kept to hard Labour, for any Term not exceeding Twelve Calendar Months, nor less than Six Calendar Months, in either case respectively. s. 2.

shall be punished in like manner.

If any Seaman, Keelman, Caster, Ship Carpenter, or other Person, shall be convicted of any of the Offences aforesaid, in pursuance of this Act, and shall afterwards offend again in like Manner, every such Seaman, Keelman, Caster, Ship Carpenter, and other Person so offending again in like Manner, and being lawfully convicted thereof, upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace respectively, to be holden in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall, for such Second and every subsequent Offence, be adjudged guilty of Felony, and shall be transported to some of His Majesty's Dominions beyond the Seas for any space of time or term of Years, not exceeding Fourteen Years, nor less than Seven Years. s. 3.

Such persons offending a second time shall be guilty of felony ;

and may be transported for fourteen or seven years.

Provided always, and it is hereby enacted and declared, that none of the Pains, Penalties, or Punishments herein-before inflicted, or authorized to be inflicted, shall be deemed, construed,

This act shall not extend to matters done by the authority of his Majesty.

or taken to extend to any Act, Deed, Matter, or Thing whatsoever, committed, done, or suffered in the Service, or under or by virtue of the Authority of his said Majesty, or his Successors; any thing herein contained to the contrary thereof in anywise notwithstanding. 33 G. 3. c. 67. s. 4.

Seamen, keelmen, or others, wilfully setting fire to or burning any ship, etc.

shall be guilty of felony without benefit of clergy.

If any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other Person or Persons, shall, at any time after the said 24th June 1793, wilfully and maliciously burn or set fire to any Ship, Keel, or other Vessel, every Person so offending, and being thereof lawfully convicted, in any Court of Oyer and Terminer, to be holden in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be adjudged guilty of Felony without Benefit of Clergy, and shall suffer Death as in Cases of Felony without Benefit of Clergy. s. 5.

Such persons destroying or damaging any Ship, etc. by any other means,

shall be guilty of felony, and may be transported for seven years.

If any Seaman or Seamen, Keelman or Keelmen, Caster or Casters, Ship Carpenter or Ship Carpenters, or other Person or Persons, shall at any time after the said 24th June 1793, wilfully and maliciously destroy or damage any Ship, Keel, or other Vessel (otherwise than by Fire), every Seaman, Keelman, Caster, Ship Carpenter, and other Person so offending, and being thereof lawfully convicted upon any Indictment to be found against him, her, or them, in any Court of Oyer and Terminer, or General or Quarter Sessions of the Peace, to be holden respectively in and for the County, Shire, Riding, Division, or District wherein the Offence was committed, shall be adjudged guilty of Felony, and shall be transported to some of his Majesty's Dominions beyond the Seas, for any space of time or term of Years not exceeding Fourteen Years, nor less than Seven Years. s. 6.

Offences committed on the high seas where triable.

In case any of the Offences herein-before described or mentioned, shall be committed on the High Seas, then and in every such Case the Offence or Offences so committed shall be triable, and the Person or Persons so offending may be prosecuted and tried, by virtue of this Act, in any Session of Oyer and Terminer and Gaol Delivery for the Trial of Offences committed on the High Seas, within the Jurisdiction of the Admiralty of England; any thing herein contained to the contrary in anywise notwithstanding. s. 7.

Limitation of prosecutions twelve calendar months.

Provided always, and it is hereby enacted and declared, that no Person or Persons shall be prosecuted by virtue of this Act, for any of the Offences aforesaid, unless such Prosecution be

commenced within Twelve Calendar Months after the Offence committed. s. 8.

Continuance of Act 'til 24th June 1800, and end of next Session. s. 9.

This Act having been suffered to expire, was by Stat. 41 G. 3. U. K. c. 19. s. 4. revived and made perpetual.

## **Simony.**

If any person, Bodies Politic and Corporate, shall or do for any sum of Money, Reward, Gift, Profit, or Commodity whatsoever, directly or indirectly, (other than for usual and lawful Fees), or for or by reason of any Promise, Agreement, Grant, Covenant, Bond, or other assurance of or for any Sum of Money, Reward, Gift, Profit, or Benefit whatsoever, directly or indirectly, admit, institute, instal, induct, invest, or place any person in or to any Benefice with Cure of Souls, Dignity, Prebend, or other Living Ecclesiastical, that then every such person so offending shall forfeit and lose the Double Value of One Year's Profit of every such Benefice, Dignity, Prebend, and Living Ecclesiastical; and after such Induction, &c. had, the same Benefice, &c. shall be merely void, and the Patron, &c. to whom the Advowson, &c. appertains, may present thereto as if the party so admitted, &c. were dead. 31 Eliz. c. 6. s. 6.

The penalty for presenting, etc. or of being presented to any benefice, etc. for any gift, &c. Coke Entr. 526. 3 Lev. 337. 2 Roll. 465. Cro. El. 642. Cro. Jac. 385. Cro. Car. 330.

The Statute 1 W. & M. st. 1. c. 16. provides that no innocent Incumbent or Patron shall be prejudiced under pretence of lapse by virtue of the Simoniackal Presentation of the former Incumbent "unless the person simoniackally presented were convicted of such Offence at the Common Law, or some Ecclesiastical Court, in the lifetime of the person simoniackally promoted."

Innocent incumbents shall not be injured by simoniackal presentations.

Whereas some of the Clergy have procured preferments for themselves by buying Ecclesiastical Livings, and others have been thereby discouraged; be it enacted, that if any person from and after 29 Sept. 1714, shall or do for any sum of Money, Reward, Gift, Profit, or Advantage, directly or indirectly, or for or by reason of any Promise, Agreement, Grant, Bond, Covenant, or other assurance of or for any sum of Money, Reward, Gift, Profit, or Benefit whatsoever, directly or indirectly, in his own name or in the name of any other person or persons, take, procure, or accept the next Avoidance of or Presentation to any Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, and shall be presented or collated thereupon, that then every such Presentation or Collation, and every Admission, Institution, Investiture, and Induction upon the same,

Penalty of taking for any money, etc. the next avoidance or presentation to any ecclesiastical living, etc.

shall be utterly void, frustrate, and of no effect in Law, and such Agreement shall be deemed and taken to be a Simoniackal Contract, and that it shall and may be lawful to and for the Queen's Majesty, her Heirs and Successors, to present or collate unto, or give or bestow every such Benefice, Dignity, Prebend and Living Ecclesiastical, for that one time or turn only; and the person so corruptly taking, procuring, or accepting any such Benefice, Dignity, Prebend, or Living, shall thereupon and from thenceforth be adjudged a disabled person in Law to have and enjoy the same Benefice, Dignity, Prebend, or Living Ecclesiastical, and shall also be subject to any punishment, pain, or penalty limited, prescribed, or inflicted by the Laws Ecclesiastical, in like manner as if such corrupt Agreement had been made after such Benefice, Dignity, Prebend, or Living Ecclesiastical had become vacant, any Law or Statute to the contrary in anywise notwithstanding. 12 Ann. st. 2. c. 12. s. 2.

## **Slave Trade.**

The slave trade declared to be unlawful and shall be abolished.

The Statute 47 G. 3. st. 1. c. 36. which is intituled "An Act for the Abolition of the Slave Trade," recites that "whereas the Two Houses of Parliament did, by their Resolutions of the Tenth and Twenty-fourth Days of June 1806, severally resolve, upon certain grounds therein mentioned, that they would, with all practicable expedition, take effectual measures for the Abolition of the African Slave Trade, in such manner, and at such period as might be deemed adviseable; and whereas it is fit upon all and each of the grounds mentioned in the said Resolutions, that the same should be forthwith abolished and prohibited, and declared to be unlawful;" and then enacts, that the African Slave Trade, and all dealing and trading in the Purchase, Sale, Barter, or Transfer of Slaves, or of persons intended to be sold, transferred, used, or dealt with as Slaves, practised at, to or from any part of the Coast or Countries of Africa, shall be abolished, prohibited, and declared to be unlawful; and also that all and all manner of dealing relating to any Slaves, or to any persons intended to be used or dealt with as Slaves, for the purpose of such Slaves or persons being removed or transported either immediately or by Transshipment at Sea or otherwise, directly or indirectly from Africa or from any Island, Country, Territory, or place whatever, in the West Indies, or in any other part of America, not being in the Dominion, Possession, or Occupation of his Majesty, to any other Island, Country, Territory, or place whatever, is hereby in like manner utterly



abolished, prohibited, and declared to be unlawful. The Clause then goes on and imposes a penalty on persons so acting of £100 for each Slave so sold, dealt in, bartered, &c. This Section appears to be repealed by the Statute 51 G. 3. c. 23. (which see post) which makes the Offence Felony.

From and after the 1st May 1807, it shall be unlawful for any of his Majesty's Subjects, or any person or persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in his Majesty's Possession or Occupation, to fit out, man, or navigate, or to procure to be fitted out, manned, or navigated, or to be concerned in the fitting out, manning, or navigating, or in the procuring to be fitted out, manned, or navigated, any Ship or Vessel for the purpose of assisting in, or being employed in the carrying on of the African Slave Trade, or in any other the Dealing, Trading, or Concerns hereby prohibited and declared to be unlawful, and every Ship or Vessel which shall from and after the Day aforesaid, be fitted out, manned, navigated, used, or employed by any such subject or subjects, person or persons, or on his or their account, or by his or their assistance or procurement, for any of the purposes aforesaid, and by this Act prohibited, together with all her Boats, Guns, Tackle, Apparel, and Furniture, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided. 47 G. 3. st. 1. c. 36. s. 2. (See s. 7. of the Statute 51 G. 3. c. 23. post.)

Vessels shall not be fitted out in this kingdom or the colonies, etc. for carrying on the slave trade, and if so fitted out shall be forfeited.

From and after the said 1st May 1807, it shall be unlawful for any of his Majesty's Subjects, or any person or persons resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging, or in his Majesty's possession or occupation, to carry away or remove, or knowingly and wilfully to procure, aid, or assist in the carrying away or removing, as Slaves, or for the Purpose of being sold, transferred, used, or dealt with as Slaves, any of the Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place in the West Indies or any other Part of America whatsoever, not being in the Dominion, Possession, or Occupation of his Majesty, either immediately or by Transshipment at Sea or otherwise, directly or indirectly from Africa, or from any such Island, Country, Territory, or Place as aforesaid, to any other Island, Country, Territory, or Place whatever; and that it shall also be unlawful for any of his Majesty's Subjects, or any person or persons resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging, or in his Majesty's Possession or Occupation, knowingly and wilfully to receive, detain, or

No person shall remove as slaves inhabitants of Africa, the West Indies, or America, from one place to another, nor be concerned in receiving them, etc.

Vessels employed in such removal, etc. shall be forfeited, and also the property in the slaves. See the statute 51 G. 3. c. 23. post.

Persons so employed shall forfeit 100l. for each slave.

confine on board, or to be aiding, assisting, or concerned in the receiving, detaining, or confining on board of any Ship or Vessel whatever, any such Subject or Inhabitant as aforesaid, for the purpose of his or her being so carried away or removed as aforesaid, or of his or her being sold, transferred, used, or dealt with as a Slave, in any Place or Country whatever; and if any Subject or Inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place in the West Indies or America, not being in the Dominion, Possession, or Occupation of his Majesty, shall, from and after the Day aforesaid, be so unlawfully carried away or removed, detained, confined, transhipped, or received on board of any Ship or Vessel belonging in the whole or in part to, or employed by any Subject of his Majesty, or Person residing in his Majesty's Dominions or Colonies, or any Territory belonging to or in the Occupation of his Majesty, for any of the unlawful Purposes aforesaid, contrary to the force and effect, true intent and meaning of the Prohibitions in this Act contained, every such Ship or Vessel in which any such person or persons shall be so unlawfully carried away or removed, detained, confined, transhipped, or received on board for any of the said unlawful Purposes, together with all her Boats, Guns, Tackle, Apparel, and Furniture, shall be forfeited, and all Property or pretended Property in any Slaves or Natives of Africa so unlawfully carried away or removed, detained, confined, transhipped or received on board, shall also be forfeited, and the same respectively shall and may be seized and prosecuted as herein-after is mentioned and provided; and every Subject of his Majesty, or Person resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in his Majesty's Possession or Occupation, who shall, as Owner, Part Owner, Freighter or Shipper, Factor or Agent, Captain, Mate, Supercargo, or Surgeon, so unlawfully carry away or remove, detain, confine, tranship, or receive on board, or be aiding or assisting in the carrying away, removing, detaining, confining, transhipping, or receiving on board for any of the unlawful Purposes aforesaid, any such Subject or Inhabitant of Africa, or of any Island, Country, Territory, or Place, not being in the Dominion, Possession, or Occupation of his Majesty, shall forfeit and pay for each and every Slave or Person so unlawfully carried away, removed, detained, confined, transhipped, or received on board, the Sum of One hundred Pounds of lawful Money of Great Britain, one Moiety thereof to the use of his Majesty, and the other Moiety to the use of any person who shall inform, sue, and prosecute for the same: s. 3.

[See s. 4. of 51 G. 3. c. 23. (post, page 944) which allows the Removal of Slaves from one British Settlement to another.]

If any Subject or Inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place, not being in the Dominion, Possession, or Occupation of his Majesty, who shall, at any Time from and after the Day aforesaid, have been unlawfully carried away or removed from Africa, or from any Island, Country, Territory, or Place in the West Indies or America, not being in the Dominion, Possession, or Occupation of his Majesty, contrary to any of the Prohibitions or Provisions in this Act contained, shall be imported or brought into any Island, Colony, Plantation, or Territory, in the Dominion, Possession, or Occupation of his Majesty, and there sold or disposed of as a Slave or Slaves, or placed, detained, or kept in a state of Slavery, such Subject or Inhabitant, Subjects or Inhabitants, so unlawfully carried away or removed and imported, shall and may be seized and prosecuted as forfeited to his Majesty, by such person or persons, in such Courts, and in such Manner and Form, as any Goods or Merchandize unlawfully imported into the same Island, Colony, Plantation, or Territory, may now be seized and prosecuted therein, by virtue of any Act or Acts of Parliament now in force for regulating the Navigation and Trade of his Majesty's Colonies and Plantations, and shall and may, after his or their Condemnation, be disposed of in manner herein-after mentioned and provided. 47 G. 3. st. 1. c. 36. s. 4.

Subjects of Africa, etc. unlawfully carried away and imported into any British colony, etc. as slaves shall be forfeited to his Majesty.

All Insurances whatsoever to be effected upon or in respect to any of the trading, dealing, carrying, removing, transshipping, or other Transactions by this Act prohibited, shall be also prohibited and declared to be unlawful; and if any of his Majesty's Subjects, or any person or persons resident within this United Kingdom, or within any of the Islands, Colonies, Dominions, or Territories thereunto belonging, or in his Majesty's Possession or Occupation, shall knowingly and wilfully subscribe, effect, or make, or cause or procure to be subscribed, effected, or made, any such unlawful Insurances or Insurance, he or they shall forfeit and pay for every such Offence the Sum of One hundred Pounds for every such Insurance, and also Treble the Amount paid or agreed to be paid as the Premium of any such Insurance, the one Moiety thereof to the use of his Majesty, his Heirs and Successors, and the other Moiety to the use of any person who shall inform, sue, and prosecute for the same. s. 5.

Insurances or transactions concerning the slave trade declared to be unlawful.

Penalty 100l. and treble the amount of the premium.

[See now s. 2. of 51 G. 3. c. 23. making this Offence a misdemeanor, post, page 943.]

How slaves  
taken as prize  
of war, or seized  
as forfeitures,  
shall be disposed  
of.

This Act shall not affect the trading in Slaves, exported from Africa in Vessels cleared on or before May 1, 1807, and landed in the West Indies by March 1, 1808, &c. 47 G. 3. st. 1. c. 36. s. 6.

And whereas it may happen, that during the present or future Wars, Ships or Vessels may be seized or detained as prize, on board whereof Slaves or Natives of Africa, carried and detained as Slaves, being the property of his Majesty's enemies, or otherwise liable to Condemnation as Prize of War, may be taken or found, and it is necessary to direct in what manner such Slaves or Natives of Africa shall be hereafter treated and disposed of: And whereas it is also necessary to direct and provide for the Treatment and Disposal of any Slaves, or Natives of Africa carried, removed, treated or dealt with as Slaves, who shall be unlawfully carried away or removed contrary to the Prohibitions aforesaid, or any of them, and shall be afterwards found on board any Ship or Vessel liable to Seizure under this Act, or any other Act of Parliament made for restraining or prohibiting the African Slave Trade, or shall be elsewhere lawfully seized as forfeited under this or any other such Act of Parliament as aforesaid; and it is expedient to encourage the Captors, Seizors, and Prosecutors thereof; be it therefore further enacted, that all Slaves, and all Natives of Africa treated, dealt with, carried, kept, or detained as Slaves, which shall at any time from and after the said first day of May next be seized or taken as Prize of War, or liable to Forfeiture, under this or any other Act of Parliament made for restraining or prohibiting the African Slave Trade, shall and may, for the purposes only of Seizure, Prosecution, and Condemnation as Prize or as Forfeitures, be considered, treated, taken, and adjudged as Slaves and Property in the same manner as Negro Slaves have been heretofore considered, treated, taken, and adjudged, when seized as Prize of War, or as forfeited for any Offence against the Laws of Trade and Navigation respectively; but the same shall be condemned as Prize of War, or as forfeited to the sole use of his Majesty, his Heirs and Successors, for the purpose only of divesting and barring all other Property, Right, Title, or Interest whatever, which before existed, or might afterwards be set up or claimed in or to such Slaves or Natives of Africa so seized, prosecuted, and condemned; and the same nevertheless shall in no case be liable to be sold, disposed of, treated, or dealt with as Slaves, by or on the part of his Majesty, his Heirs or Successors, or by or on the part of any person or persons claiming or to claim from, by, or under his Majesty, his

Heirs and Successors, or under or by force of any such Sentence of Condemnation: Provided always, that it shall be lawful for his Majesty, his Heirs and Successors, and such Officers, Civil or Military, as shall, by any General or Special Order of the King in Council, be from time to time appointed and empowered to receive, protect, and provide for such Natives of Africa as shall be so condemned, either to enter and enlist the same, or any of them, into his Majesty's Land or Sea Service, as Soldiers, Seamen, or Marines, or to bind the same, or any of them, whether of full Age or not, as Apprentices, for any term not exceeding Fourteen Years, to such person or persons, in such place or places, and upon such terms and conditions, and subject to such regulations, as to his Majesty shall seem meet, and as shall by any General or Special Order of his Majesty in Council be in that behalf directed and appointed; and any Indenture of Apprenticeship duly made and executed, by any person or persons to be for that purpose appointed by any such Order in Council, for any Term not exceeding Fourteen Years, shall be of the same force and effect as if the party thereby bound as an Apprentice had himself or herself, when of full Age upon good Consideration, duly executed the same; and every such Native of Africa who shall be so enlisted or entered as aforesaid into any of his Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

s. 7.

Provided also, that where any Slaves or Natives of Africa taken as Prize of War by any of his Majesty's Ships of War, or Privateers duly commissioned, shall be finally condemned as such to his Majesty's use as aforesaid, there shall be paid to the Captors thereof by the Treasurer of his Majesty's Navy, in like manner as the Bounty called Head Money is now paid by virtue of an Act of Parliament made in the forty-fifth year of his Majesty's reign [45 G. 3. c. 72.], such Bounty as his Majesty, his Heirs and Successors, shall have directed by any Order in Council, so as the same shall not exceed the Sum of Forty Pounds lawful Money of Great Britain for every Man, or Thirty Pounds of like Money for every Woman, or Ten Pounds of like Money for every Child or Person not above Fourteen Years old, that shall be so taken and condemned, and shall be delivered over in good health to the proper Officer or Officers, Civil or Military, so appointed as aforesaid to receive, protect, and provide for the same; which Bounties shall be divided amongst the

Bounty to be paid for such Slaves to the captors in the manner head money is paid under 45 G. 3. c. 72. so as the sums shall not exceed the rates herein mentioned.

Officers, Seamen, Marines, and Soldiers on board his Majesty's Ships of War, or hired armed Ships, in manner, form, and proportion, as by his Majesty's Proclamation for granting the Distribution of Prizes already issued, or to be issued for that purpose, is or shall be directed and appointed, and amongst the Owners, Officers, and Seamen of any Private Ship or Vessel of War, in such manner and proportion as, by an agreement in writing that they shall have entered into for that purpose, shall be directed. 47 G. 3. st. 1. c. 36. s. 8.

Certificates to be produced shall entitle to bounty.

Provided always, that in order to entitle the Captors to receive the said Bounty Money, the numbers of Men, Women, and Children, so taken, condemned, and delivered over, shall be proved to the Commissioners of his Majesty's Navy, by producing, instead of the Oaths and Certificates prescribed by the said Act as to Head Money, a Copy, duly certified, of the Sentence or Decree of Condemnation, whereby the numbers of Men, Women, and Children, so taken and condemned, shall appear to have been distinctly proved; and also, by producing a Certificate under the Hand of the said Officer or Officers, Military or Civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to his Majesty's Instructions and Regulations as aforesaid. s. 9.

Doubts of Claim to bounty shall be determined by the Judge of Admiralty.

Provided also, that in any cases in which Doubts shall arise whether the Party or Parties claiming such Bounty Money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, or by the Judge of any Court of Admiralty in which the Prize shall have been adjudged, subject nevertheless to an Appeal to the Lords Commissioners of Appeals in Prize Causes. s. 10.

On condemnation of forfeitures of slaves for offences against this Act, the rates herein mentioned shall be paid, &c.

Provided also, that on the Condemnation to the use of his Majesty, his Heirs and Successors, in manner aforesaid, of any Slaves or Natives of Africa, seized and prosecuted as forfeited for any Offence against this Act, or any other Act of Parliament made for restraining or prohibiting the African Slave Trade (except in the case of Seizures made at Sea by the Commanders or Officers of his Majesty's Ships or Vessels of War) there shall be paid to and to the use of the person who shall have sued, informed, and prosecuted the same to Condemnation, the Sums of Thirteen Pounds lawful Money aforesaid for every Man, of Ten Pounds like Money for every Woman, and of Three Pounds like Money for every Child or person under the Age of Fourteen Years, that shall be so condemned and delivered over in



good Health to the said Civil or Military Officer so to be appointed to receive, protect, and provide for the same, and also the like Sums to and to the use of the Governor or Commander in Chief of any Colony or Plantation wherein such Seizure shall have been made; but in cases of any such Seizures made at Sea by the Commanders or Officers of his Majesty's Ships or Vessels of War for Forfeiture under this Act, or any other Act of Parliament made for restraining or prohibiting the African Slave Trade, there shall be paid to the Commander or Officer who shall so seize, inform, and prosecute, for every Man so condemned and delivered over, the Sum of Twenty Pounds like Money, for every Woman the Sum of Fifteen Pounds like Money, and for every Child or Person under the Age of Fourteen Years the Sum of Five Pounds like Money, subject nevertheless to such Distribution of the said Bounties or Rewards for the said Seizures made at Sea, as his Majesty, his Heirs and Successors, shall think fit to order and direct by any Order in Council made for that Purpose; for all which Payments so to be made as Bounties or Rewards upon Seizures and Prosecutions for Offences against this Act or any other Act of Parliament made for restraining or abolishing the African Slave Trade, the Officer or Officers, Civil or Military, so to be appointed as aforesaid to receive, protect, and provide for such Slaves or Natives of Africa so to be condemned and delivered over, shall, after the Condemnation and Receipt thereof as aforesaid, grant Certificates in favor of the Governor and Party seizing informing and prosecuting as aforesaid respectively, or the latter alone (as the Case may be), addressed to the Lords Commissioners of his Majesty's Treasury, who upon the Production to them of any such Certificate, and of an authentic Copy, duly certified, of the Sentence of Condemnation of the said Slaves or Africans to his Majesty's use as aforesaid, and also of a Receipt under the Hand of such Officer or Officers so appointed as aforesaid, specifying that such Slaves or Africans have by him or them been received in good Health as aforesaid, shall direct Payment to be made from and out of the Consolidated Fund of Great Britain of the Amount of the Monies specified in such Certificate, to the lawful Holders of the same, or the persons entitled to the Benefit thereof respectively. s. 11.

If any person shall wilfully and fraudulently forge or counterfeit any such Certificate, Copy of Sentence of Condemnation, or Receipt as aforesaid, or any Part thereof, or shall knowingly and wilfully utter or publish the same, knowing it to be forged or

Counterfeiting  
certificates  
felony.

Recovery and application of penalties and forfeitures.

counterfeited, with intent to defraud his Majesty, his Heirs and Successors, or any other person or persons whatever, the Party so offending shall, on Conviction, suffer Death as in cases of Felony without Benefit of Clergy. 47 G. 3. st. 1. c. 36. s. 12.

The several pecuniary Penalties or Forfeitures imposed and inflicted by this Act, shall and may be sued for, prosecuted, and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty in any Part of his Majesty's Dominions wherein the Offence was committed, or where the Offender may be found after the Commission of such Offence; and in all Cases of Seizure of any Ships, Vessels, Slaves or pretended Slaves, Goods or Effects, or any Forfeiture under this Act, the same shall and may respectively be sued for, prosecuted and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty in any Part of his Majesty's Dominions in or nearest to which such Seizures may be made, or to which such Ships or Vessels, Slaves or pretended Slaves, Goods or Effects (if seized at Sea or without the Limits of any British Jurisdiction) may most conveniently be carried for Trial; and all the said Penalties and Forfeitures, whether pecuniary or specific (unless where it is expressly otherwise provided for by this Act) shall go and belong to such person and persons in such Shares and Proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like Manner and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties or Forfeitures incurred in Great Britain, and in the British Colonies or Plantations in America respectively, by force of any Act of Parliament relating to the Trade and Revenues of the said British Colonies or Plantations in America, now go and belong to, and may now be sued for, prosecuted, tried, recovered, distributed, and applied respectively in Great Britain, or in the said Colonies or Plantations respectively, under and by virtue of a certain Act of Parliament made in the Fourth Year of his present Majesty, [4 G. 3. c. 15.]

Seizures may be made by officers of customs or excise, &c.

All Ships and Vessels, Slaves, or Natives of Africa carried, conveyed, or dealt with as Slaves, and all other Goods and Effects that shall or may become forfeited for any Offence committed against this Act, shall and may be seized by any Officer of His Majesty's Customs or Excise, or by the Commanders or Officers of any of his Majesty's Ships or Vessels of War, who, in making and prosecuting any such Seizures, shall have the Benefit of all the Provisions made by the said Act of the Fourth

Year of his present Majesty, or any other Act of Parliament made for the Protection of Officers seizing and prosecuting for any Offence against the said Act, or any other Act of Parliament relating to the Trade and Revenues of the British Colonies or Plantations in America. s. 14.

All Offences committed against this Act may be inquired of, tried, determined, and dealt with as Misdemeanors, as if the same had been respectively committed within the Body of the County of Middlesex. s. 15. See s. 6. however of the Stat. 51 G. 3. c. 23. post.

Where offences shall be inquired of and determined.

Provided also, that it shall and may be lawful for his Majesty in Council, from time to time to make such Orders and Regulations for the future Disposal and Support of such Negroes as shall have been bound Apprentices under this Act, after the Term of their Apprenticeship shall have expired, as to his Majesty shall seem meet, and as may prevent such Negroes from becoming at any time chargeable upon the Island in which they shall have been so bound Apprentices as aforesaid. s. 16.

His Majesty may make regulations for disposal of negroes after the expiration of their apprenticeship.

Provided always, that none of the Provisions of any Act as to enlisting for any limited Period of Service, or as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged after certain Periods of Service, shall extend, or be deemed or construed in any manner to extend, to any Negroes so enlisted and serving in any of his Majesty's Forces. s. 17.

Negroes enlisted in his Majesty's forces not entitled to the benefits of limited service, &c.

If any Action or Suit shall be commenced either in Great Britain or elsewhere, against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law. s. 18.

General issue.

Treble costs.

The Statute 51 G. 3. c. 23. intituled "An Act for rendering more effectual an Act made in the Forty-seventh Year of his Majesty's Reign [47 G. 3. st. 1. c. 36.]" recites that whereas the Two Houses of Parliament did, by their Resolutions of the 10th and 24th days of June 1806, severally resolve, that the

47 G. 3. st. 1.  
c. 36.

Subjects or persons residing in the United Kingdom, or any of the Dominions belonging to his Majesty, carrying on the slave trade, or any way engaged therein, shall be declared felons.

African Slave Trade being contrary to the principles of Justice, Humanity, and sound Policy, they would, with all practicable expedition, take effectual measures for the Abolition of the same: And that whereas, in conformity with the said Resolutions, and for all and each of the reasons therein stated, the said Trade was by an Act passed in the Forty-seventh Year of his present Majesty declared to be unlawful: And that it hath been found that divers persons, not deterred by the Provisions and Penalties of the said Act, do still continue to deal and trade in Slaves upon the Coast of Africa and elsewhere, and to carry them for Sale by Sea; And that the Commons House of Parliament, by its Resolution of the 15th of June 1810, did express its indignation at such practices, and did resolve speedily to take into consideration such measures as might tend effectually to prevent such daring Violations of the Law: And whereas it is fit that such measures should be extended also to the effectual Abolition of the Slave Trade wheresoever it may be attempted to practise it; and then enacts, that if any Subject or Subjects of his Majesty, or if any person or persons residing or being within this United Kingdom or in any of the Islands, Colonies, Dominions, Forts, Settlements, Factories, or Territories now or hereafter belonging thereto, or being in his Majesty's Occupation or Possession, or under the Government of the United Company of Merchants trading to the East Indies, shall, from and after the 1st day of June next, by him or themselves, or by his or their Factors or Agents, or otherwise howsoever, carry away or remove, or aid or assist in the carrying away or removing, as a Slave or Slaves, or for the purpose of being sold, transferred, used, or dealt with as a Slave or Slaves, any person or persons whatsoever, from any part of Africa, or from any other Country, Territory, or place whatsoever, either immediately or by transshipment at Sea or otherwise, directly or indirectly; or shall import or bring, or aid or assist in the importing or bringing into any Island, Colony, Country, Territory, or place whatsoever, any such person or persons as aforesaid, for the purpose aforesaid; or shall knowingly and wilfully ship, embark, receive, detain, or confine on board any Ship, Vessel, or Boat, any such person or persons as aforesaid, for the purpose of his, her, or their being so carried away or removed, imported or brought as aforesaid, or of being sold, transferred, used, or dealt with as a Slave or Slaves; or shall knowingly and wilfully use or employ, or permit to be used or employed, or let or take to Freight or on Hire any Ship or Vessel to be used or employed in carrying away or removing,

importing or bringing, or for the purpose of carrying away or removing, importing or bringing as aforesaid, any such person or persons as a Slave or Slaves, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves; or shall fit out or cause to be fitted out, or shall take the charge or command of, or navigate, or enter and embark on board any such Ship or Vessel, as Master or Captain, Mate, Supercargo, or Surgeon, knowing that such Ship or Vessel is actually employed, or is, in the same Voyage for which he or they shall so enter and embark on board, intended to be employed in carrying or removing, importing or bringing as aforesaid, any such person or persons as or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves; then and in every such case the person or persons so offending, and their Counsellors, Aiders, and Abettors, shall be and are hereby declared to be Felons, and shall be transported beyond Seas for a term not exceeding Fourteen Years, or shall be confined and kept to Hard Labour for a term not exceeding Five Years, nor less than Three Years, at the discretion of the Court before whom such Offender or Offenders shall be tried and convicted.

Provided always, that if any person or persons shall, from and after the 1st day of May next, enter or navigate, or embark on board any such Ship or Vessel used and employed, or meant and intended to be used and employed as aforesaid, as a Petty Officer, Servant, or Seaman, or Petty Officers, Servants, or Seamen, knowing that such is or shall be the purpose or one of the purposes of the Voyage, or if any person or persons shall underwrite, or procure to be underwritten, any Policy of Assurance upon any Ship or Vessel or Goods, or the Freight of any Ship or Vessel employed or intended to be employed in any such Voyage, knowing that such is or shall be the purpose or one of the purposes of the said Voyage, he or they nevertheless shall not be deemed guilty of a Felony within the meaning of this Act, but shall be and they are hereby declared to be guilty of a Misdemeanor only, and shall be punished by Imprisonment for a term not exceeding Two Years. s. 2.

Persons serving on board any ship, or underwriting any policy thereon, declared guilty of a misdemeanor.

And it is hereby further enacted and declared, that such persons shall not be deemed to be nor shall be punished as Accessories to Felony; any thing in this present Act to the contrary thereof notwithstanding. s. 3.

Persons not to be deemed accessories.

Provided always, that nothing in this Act contained shall extend, or be construed to extend, to subject any person or persons to the pains and penalties hereby imposed for exporting, removing, or

Act not to prevent the removing of slaves from one British

settlement to  
another, &c.

Nor prevent  
the transporta-  
tion to foreign  
places of slaves  
that have been  
convicted of  
crimes.

Offences shall  
be tried accord-  
ing to the ordi-  
nary course of  
law.

carrying from any present or future British Island, Colony, or Settlement in the West Indies, to any other present or future British Island, Colony, or Settlement in the West Indies, or from one part of such British Island, Colony, or Settlement in the West Indies, to any other part of the same Island, Colony, or Settlement, or for importing or transporting into or landing in any such Island, Colony, or Settlement, any Slave or Slaves, which have been or shall be born within such Islands, Colonies, or Settlements, or any Slave or Slaves which shall have been or may be lawfully imported or brought into the said Islands, Colonies, or Settlements, or for removing or carrying any Slave or Slaves from one part of any Foreign Island, Colony, or Settlement, to another part of the same Foreign Island, Colony or Settlement, or for transshipping and assisting at Sea any Slave or Slaves which shall be in any Ship or Vessel in distress: Provided also, that nothing in this Act contained shall extend to prevent the Transportation to any Foreign Colony or Place, of any Slave or Slaves that shall have been convicted by due course of Law in any present or future British Island or Colony, of any Crime to which the punishment of Transportation is or shall be annexed by the Law of such Island or Colony, but in every such case a copy of the Judgment or Sentence certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such Convict shall be transported. s. 4.

Act not to extend to things done before certain periods. s. 5.

All Offences hereinbefore declared to be Felonies or Misdemeanors, which shall be committed in Africa, or in any Country, Territory or Place, other than this United Kingdom, or on the High Seas, or in any Port, Sea, Creek or Place where the Admiral has Jurisdiction, shall and may be enquired of either according to the ordinary course of Law, and the Provisions of an Act passed in the Twenty-eighth Year of the Reign of King Henry the Eighth, [28 H. 8. c. 15. (1)] or according to the Provisions of an Act passed in the Thirty-third Year of the Reign of King Henry the Eighth, [33 H. 8. c. 23. (2)] so far as the same Act is now unrepealed; or according to the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of his late Majesty King William the Third, [11, 12 W. 3. c. 7. (3)] But see the Statute 58 G. 3. c. 98. s. 1. post, as to the Trial of Offences against this Act.

(1) See this Act under title PIRACY.

(2) See this Act under title HOMICIDE, V.

(3) See this Act under Title PIRACY.



Provided always, and it is hereby further enacted and declared, that nothing herein contained shall be construed to repeal, annul, or alter the said Act of the Forty-seventh Year of his present Majesty, or an Act made in the Forty-sixth Year of his present Majesty (1), for preventing the Importation of Slaves

Act not to repeal provision of 46 G. 3. c. 52. or 47 G. 3. st. 1. c. 36. as to forfeitures.

(1) The Statute 46 G. 3. c. 52. s. 2. enacts, that it shall not be lawful to or for any of His Majesty's Subjects, or any person or persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, to export, transport, carry, convey, or send, or cause or procure to be exported, transported, carried, conveyed, or sent, or in any manner to aid, abet, or assist in the exporting, transporting, carrying, conveying, or sending any Slave or Slaves from Africa, or elsewhere, (except from his Majesty's West India Islands, in such special cases as are herein-after expressly excepted and provided for\*,) to any Island, Settlement, Colony, Plantation, Territory, or Place whatever, belonging to and under the Dominion of any foreign Sovereign, State, or Power, or to ship, embark, tranship, or put on board, or cause or procure to be embarked, shipped, transhipped, or put on board, or to aid, abet, or assist in the embarking, shipping, transhipping, or putting on board any Ship or Vessel whatever, at Africa or elsewhere, any Slave or Slaves, except as aforesaid, with the intent to the exporting, transporting, carrying, conveying, or sending the same to any such foreign Island, Settlement, Colony, Plantation, or Territory or Place; and if any Slave or Slaves shall be so unlawfully exported, transported, carried, conveyed, or sent, or embarked, shipped, transhipped, or put on board with such unlawful intent as aforesaid, all and every such Slave or Slaves, and every Ship or Vessel in which the same shall be so unlawfully exported, transported, carried, conveyed, or sent, or embarked, shipped, transhipped, or put on board, together with all her Boats, Guns, Tackle, Apparel, and Furniture, as far as any of his Majesty's Subjects, or any person or persons resident as aforesaid, have or hath any Property, Share, or Interest therein, shall become forfeited, and shall and may be seized † and prosecuted ‡ as

For preventing the importation of slaves by any British subject into the territories belonging to any foreign state or person.

\* This Exception, which refers to a Licence directed in another Part of the Act to be granted for carrying Slaves, is now rendered void by the absolute repeal of the Slave Trade by the Statute 51 G. 3. c. 23.

† By any Officer of Customs or Excise, or by the Commander or Officers of any of his Majesty's Ships or Vessels of War. See s. 18. of the Act.

‡ In any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty Court in any Part of his Majesty's Dominions in or nearest to which such Seizures may be made, or to which such Ships or Vessels, Slaves, Goods, or Effects (if seized at Sea, or without the Limits of any British Jurisdiction) may most conveniently be carried for Trial. See s. 17. of the Act.

by any of his Majesty's Subjects into any Islands, Colonies, Plantations, or Territories belonging to any Foreign State or Power, in respect of any Forfeitures of Ships or Vessels, Cargoes, Goods, or Effects, thereby respectively imposed for any Offence against the said Acts, or either of them, or the remedies thereby given for the recovery thereof, or in respect of any pecuniary Penalties thereby imposed; but that the said Acts shall, in all other respects, be deemed and taken to be in full force, except so far as the said Act of the Forty-sixth Year of his present Majesty is altered or extended by the said Act of the Forty-seventh Year of his said Majesty. 51 G. 3. c. 23. s. 7.

Governors and commanders in chief, and persons authorized by them, may seize vessels and other forfeitures.

The Eighth Section recites that it is in and by the said Acts respectively enacted, that all Ships and Vessels, Slaves, or Natives of Africa carried, conveyed or dealt with as Slaves, and all other Goods and Effects that shall or may become forfeited for any Offence committed against the said Acts respectively, shall and may be seized by any Officer of his Majesty's Customs or Excise, or by the Commanders or Officers of any of his Majesty's Ships or Vessels of War: and whereas Ships and Vessels, Slaves, Goods, and Effects, liable to Seizure and Forfeiture under the said Acts, for Offences committed on the Coast of Africa, may be safely navigated, carried, or kept upon or near to the said Coast, or in the Ports, Havens, or Rivers thereof, in contempt of the said Acts, by reason of the want of Officers of the Customs or Excise, or of his Majesty's Ships or Vessels of War stationed on the said Coast, or on such parts thereof as may be visited by such Offenders; and then enacts, that it shall and may be lawful for all Governors or persons having the chief Command, civil or military, of any of the Colonies, Settlements, Forts, or Factories belonging to his Majesty, or to the African Company in Africa, or any African Island, and for all persons deputed and authorized by any such Governor or Commander in Chief, to seize and prosecute all Ships and Vessels, Slaves, or Natives of Africa carried, conveyed, or dealt with as Slaves, and all Goods and Effects whatsoever that shall or may become forfeited for any Offence committed against

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herein-after is mentioned and provided. The Statute contains numerous other Regulations, some of which were only in force during the late War, and the rest are either abrogated by the enactments of the later Statutes, or are re-enacted therein.

the said Acts of Parliament, or either of them, and which shall be found upon or near to the said Coast, or in any Port, Haven, or River thereof, or within the limits of any of the said Colonies, Settlements, Forts, or Factories; which Governor or Commander in Chief, and all persons by them so deputed and authorized, shall, in making and prosecuting any such Seizures, have the benefit of all the Provisions made by the said Acts of Parliament, or by an Act of the Fourth Year of his present Majesty therein recited, or by any other Act of Parliament for the protection of Officers seizing and prosecuting for any Offence against the said last mentioned Act, or any other Act of Parliament relating to the Trade and Revenues of the British Colonies or Plantations in America. s. 8.

Provided also, that if any person or persons, sailing or being in the capacity of a Petty Officer, or Petty Officer's Servant or Servants, Seaman or Seamen, on board of any Ship or Vessel fitted out for or engaged in the unlawfully carrying, removing, trading, or dealing in Slaves, shall, within Three Months after the Arrival of the said Vessel at any Port belonging to his Majesty, give Information on Oath, before any competent Magistrate, against any Owner or Part Owner, or any Captain, Mate, Surgeon, or Supercargo of such Ship or Vessel, who shall have committed any Offence against this Act, and shall give Evidence on Oath against such Owner or Part Owner, Captain; Mate, Surgeon, and Supercargo, before any Magistrate or Court before whom such Offender may be tried; or if such person or persons so sailing as aforesaid in the capacity of a Petty Officer or Petty Officers, Mariner or Mariners, Servant or Servants, shall within Three Months after his or their Arrival at any Port or Place not within his Majesty's Dominions, give Information to any of his Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires, Consuls, Residents, or other Agents, so that any person or persons owning such Ship or Vessel, or navigating or taking charge of the same, as Captain, Mate, Surgeon, or Supercargo, may be apprehended, such person or persons so giving such Information and Evidence shall not be liable to any of the Pains or Penalties of this Act, or any Fine or other Punishment under the said Acts of the Forty-sixth and Forty-seventh Years of his present Majesty, or either of them, but shall be wholly discharged therefrom; and his Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires, Consuls, Residents, or other Agents, are

Persons sailing in vessels giving information of offences committed not to be liable to punishment.

hereby required to receive any such Information as aforesaid, and to transmit the particulars thereof, without delay, to one of his Majesty's Principal Secretaries of State, and to transmit copies of the same to the Commanders of his Majesty's Ships or Vessels then being in the said Port or Place. 51 G. 3. c. 23. s. 9.

The Statute 58 G. 3. c. 48. made to explain the foregoing Statutes 46 G. 3. c. 52., 47 G. 3. st. 1. c. 36., and 51 G. 3. c. 23., indemnifies all persons who have been concerned in importing into certain of his Majesty's Possessions in South America Negro Slaves from other Possessions of his Majesty. s. 1, 2.

Slaves may be transported from the Bahamas or Dominica to South America.

The Third Section allows the Transportation (by licence) of Slaves from the Bahama Islands and Dominica, to any of his Majesty's Possessions in South America, but to no other Country or Island or Territory, whether in his Majesty's Dominions or of any Foreign Sovereign, State, or Power; and such Slaves must be transported conformable to the Regulations established by the said Acts. Not to prevent any Slave from being employed either in navigating, fishing, or in any other his ordinary business upon the Seas, in number not exceeding in any one Vessel those usually employed in navigating such Vessels or Boats; nor to Slaves being domestic Servants attending their Master by Sea to any Place. s. 5.

The Statute 58 G. 3. c. 98. intituled "An Act to explain and amend the Statute 51 G. 3. c. 23. for rendering more effectual the Statute 47 G. 3. st. 1. c. 36." recites that by the Statute 51 G. 3. c. 23. "it is amongst other things enacted and declared, that all Offences therein-before declared to be Felonies or Misdemeanors which shall be committed in Africa, or in any Country, Territory, or Place other than this United Kingdom, or on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, shall and may be inquired of either according to the ordinary course of Law and the Provisions of an Act passed in the Twenty-eighth Year of the Reign of King Henry the Eighth, intituled An Act for Pirates; or according to the Provisions of an Act passed in the Thirty-third Year of the Reign of King Henry the Eighth, [33 H. 8. c. 23.] as far as the same Act is now unrepealed; or according to the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of his late Majesty King William the Third, [11 & 12 W. 3. c. 7.];" and that "by an Act made in the Forty-sixth Year of His Majesty's Reign, [46 G. 3.

28 H. 8. c. 15.

c. 54.] (1) it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences, of what nature or kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be inquired of, tried, heard, determined, and adjudged according to the common course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, under and by virtue of the King's Commission or Commissions under the Great Seal of Great Britain, to be directed to any such four or more discreet persons as the Lord Chancellor of Great Britain, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the time being shall from time to time think fit to appoint; and that the said Commissioners so to be appointed, or any three of them, shall have such and the like powers and authorities for the trial of all such Murders, Treasons, Piracies, Felonies, Conspiracies, and other Offences, within any such Island, Plantations, Colony, Dominions, Forts, or Factories, as any Commissioners appointed or to be appointed according to the directions of the Statute of the Twenty-eighth Year of the Reign of King Henry the Eighth, by any Law or Laws now in force have or would have for the trial of the said Offences within this Realm;" and that "Doubts have arisen whether Offences declared by the said Act of the Fifty-first Year of his Majesty's Reign to be Felonies or Misdemeanors committed on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, may be inquired of, heard, and determined under or by virtue of any Commission issued or to be issued under the directions of the said recited Act of the Forty-sixth Year of his Majesty's Reign;" and then enacts, that all Offences declared by the said Act of the Fifty-first Year of his Majesty's Reign to be Felonies or Misdemeanors, committed or which shall be committed on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, may be inquired of, tried, and determined under and by virtue of any Commission already issued or hereafter to be issued according to the directions of the above-recited Acts of the Forty-sixth Year of his Majesty's Reign; and that all persons convicted of any of the said Offences so inquired of, tried,

Offences declared by  
51 G. 3. c. 23.  
to be felonies or  
misdemeanors  
committed on  
the seas, &c.  
may be tried  
under any Com-  
mission issued  
according to the  
Directions of  
46 G. 3. c. 54.  
See 51 G. 3.  
c. 23. a. 6. ante.

(1) See this Act under title PIRACY.

and determined, or to be inquired of, tried, and determined under and by virtue of any such Commission made or issued to be made or issued according to the directions of the said Act of the Forty-sixth Year of his Majesty's Reign, shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures, as by any Law or Laws now in force persons convicted of the same respectively would be subject and liable to, in case the same were respectively inquired of, tried, and determined and adjudged within this Realm by virtue of any Commission made according to the directions of the Statute of the Twenty-eighth Year of the Reign of King Henry the Eighth; any Law, Statute, or Usage to the contrary notwithstanding.

The Statute 53 G. 3. c. 112. recites the Statutes 46 G. 3. c. 52. and 47 G. 3. st. 1. c. 36. by which "various Penalties are imposed on persons offending against the Provisions of the said Acts respectively; and the Ships or Vessels and Boats employed in such Offences, and the Goods, Wares, Merchandizes, and Commodities on board the same, are, in various cases, subjected to Forfeiture, and to be seized and prosecuted as forfeited;" and that "the time limited by Law for Prosecutions, in such cases, is found by experience to be too short, in respect of Offences committed against the said Acts;" and then enacts, that all Actions, Suits, Bills, Indictments, or Informations, for the recovery of any of the Penalties or Forfeitures provided or imposed by the said Acts of the Forty-sixth and Forty-seventh Years of the Reign of his said Majesty, or either of them, and which shall be incurred after the passing of this Act, may be commenced, had, brought, sued, exhibited, or prosecuted at any time within three years after the Offence committed, by reason whereof such Penalty or Forfeiture shall incurred; any thing in this or the said recited Acts, or in any other Act contained to the contrary thereof notwithstanding;

Actions, suits, indictments, or informations for recovering penalties, &c. for offences against the Acts for abolition of the slave trade, may be commenced at any time within three years.

## Soldiers.

- I. *The last General Annual Acts for punishing Mutiny and Desertion in the Army, and for Regulating the Royal Marine Forces while on Shore.*
- II. *The Offences of any British Subject enlisting into Foreign Service, or accepting any Military Commission therein; and of Papists enlisting into the British Service without declaring their Religion.*



III. *Personating any Officer or Soldier entitled to any Wages, &c. or forging certain Instruments relating to such Persons, or taking a false Oath to procure Probate of the Will of any such Person.*

[As to similar Offences committed with respect to Non-commissioned Officers of Marines or Marines, see Title SEAMEN, § 1.]

I. *The last General Annual Acts for punishing Mutiny and Desertion in the Army, and for Regulating the Royal Marine Forces while on Shore.*

The Statute 59 G. 3. c. 9., which is the last Annual Act “for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters,” recites that “whereas the raising or keeping a Standing Army within the United Kingdom of Great Britain and Ireland in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is judged necessary by his Majesty, and this present Parliament, that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of his Majesty’s Crown, and the Preservation of the Balance of Power in Europe; and that the whole Number of such Forces should consist of Eighty thousand eight hundred and forty-one effective Officers and Men, and also Twelve thousand two hundred and seventy-six Officers and Men proposed to be disbanded, but exclusive of the Officers and Men belonging to the Regiments now employed in the Territorial Possessions of the East India Company, or ordered from thence to Great Britain: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any kind of Punishment within this Realm by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall Mutiny or stir up Sedition, or shall desert his Majesty’s Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow;” and then enacts, that if any person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in his

Number of  
forces, 80,841;  
and also 12,276  
proposed to be  
disbanded, &c.

Every officer or  
private man who  
shall mutiny or  
desert, &c. or  
misbehave him-  
self before the  
enemy, or  
abandon, &c.

any garrison, &c. or compel any Governor to deliver up any garrison, &c.

or shall be found sleeping upon or shall desert his post, &c. or treat with any rebel or enemy, or strike or disobey his superior officer, shall suffer death or such other punishment as a Court-martial may inflict.

Soldiers, &c. deserting and enlisting in any other regiment, &c. shall still be liable.

**Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to any Rebel or Enemy of his Majesty, either by Letters, Messages, Signs, or Tokens, in any manner or way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy, without his Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; or shall desert his Majesty's Service; all and every person and persons so offending in any of the matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of his Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded. (1)**

**Provided always, and it is hereby declared and enacted, that no Non-commissioned Officer or Soldier who shall desert his Majesty's Service shall be exempt from the Pains and Penalties imposed by this Act for such Offence, by again enlisting into**

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(1) The Statutes 18 H. 6. c. 19. 7 H. 7. c. 1. s. 2. and 2, 3 Ed. 6. c. 2. s. 6. make it a capital Felony for any Soldier to depart from his Captain without Licence, but these Provisions are all superseded by those of the Annual Mutiny Acts. The Statute 2, 3 Ed. 6. c. 2. also contains Regulations to prevent Soldiers making away with their Horses or Harness, and punishing them therefore, s. 3, 4, 5.; and by s. 9. Captains demanding more Wages for his Soldiers than are due shall be punished, which appear to be virtually repealed by the general or particular Enactments of the Mutiny Acts.

his Majesty's Service; but any such Soldier shall, notwithstanding such subsequent Enlistment, be deemed to have deserted his Majesty's Service, and shall in like Manner suffer Death, or such other Punishment as by a Court-martial shall be awarded. s. 2.

And whereas Doubts have arisen whether Soldiers who of Right belong to Corps from which they have deserted may be proceeded against and tried for deserting any other Corps in which they may afterwards have enlisted, or from his Majesty's Service, if they shall not after such subsequent enlisting have been placed in any Corps, or for any Crime committed by them whilst serving therein; be it therefore enacted, that every such Soldier shall be liable to be tried by a Court-martial, and punished in like Manner as if he had originally enlisted in and of right belonged to the Regiment, Corps, Troop, Company, Detachment, or Party in which he shall be at the time of any subsequent Desertion or committing any Offence, notwithstanding it shall have been discovered or known that he had previously belonged to some other Regiment, Corps, Troop or Company, Detachment or Party, and had not been discharged therefrom: Provided always, that if such Person shall be claimed by such other Regiment, Corps, Troop or Company, Detachment or Party, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any one or more Corps in which he may have unwarrantably enlisted may (unless he shall already have been tried for the same) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to such Deserter of the Fact or Facts intended to be produced in Evidence upon his Trial. s. 3.

Deserters enlisting in another regiment, &c. may be punished by a court-martial in such regiment, &c.

And be it further enacted and declared, that in case of any Non-commissioned Officer or Soldier tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a corporal Punishment, adjudge the Offender, according to the nature of the Offence, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years: and if such Non-commissioned Officer or Soldier, having been adjudged to be transported as a Felon, shall afterwards (without Leave from his Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of the United Kingdom of Great Britain

Deserter may be transported for life, or a less time;

and returning before expiration of the term limited he shall suffer death.

and Ireland, or in any of his Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the expiration of the Term limited by such Sentence, and shall be convicted thereof in the ordinary Course of Law, every such person shall be deemed and adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. s. 4.

In all cases where courts-martial award a capital punishment, his Majesty may order offenders to be transported

Such offender returning shall suffer death.

Provided, that in all cases wherein a Capital Punishment shall have been awarded by a Court-martial, it shall be lawful for his Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon for Life, or for a certain Term of Years, as to his Majesty shall seem meet; and if the Person so transported, in pursuance of such Order from his Majesty, shall afterwards (without Leave from his Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into or be found at large, without Leave as aforesaid, or other lawful Cause, within any Part of Great Britain or Ireland, or in any of his Majesty's Possessions abroad, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Order, and shall be duly convicted thereof, he shall suffer Death as a Felon without Benefit of Clergy. s. 5.

Deserters may be sentenced to serve in any corps.

It shall be lawful for any General or General Regimental Court-martial to sentence any Non-commissioned Officer or Soldier, convicted of Desertion by such Court, to general Service as a Soldier; and his Majesty may thereupon direct that such Service shall be in any Regiment or Regiments or Corps, and in any Country or Place or Places, abroad or otherwise, as he may think fit. s. 6.

Deserter enlisted for a limited term may be sentenced to serve for life, &c. and be adjudged to certain forfeitures.

Provided always, that if any Non-commissioned Officer or Soldier in any Regiment or Corps of his Majesty's Regular Forces, so convicted of Desertion, shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Soldier so enlisted in any Regiment or Corps of his Majesty's Regular Forces to serve for Life as a Soldier, or for any Number of Years beyond the Period for which such Non-commissioned Officer or Soldier shall have enlisted in the Regiment in which he so enlisted, or generally in any Regiment or Corps which his Majesty shall please to direct; and any Non-commissioned Officer or Soldier may in any case, in addition to any Service, be further adjudged to forfeit all Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise

have accrued to such Non-commissioned Officer or Soldier from the Length or Nature of his Service. 59 G. 3. c. 9. s. 7.

It shall be lawful for any Court-martial, before which any Non-commissioned Officer or Soldier shall be tried and convicted of Desertion, to direct, if it shall so think fit, in addition to any other Punishment such Court may award for any such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.) such Letter not to be less than Half an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated. s. 8.

A mark shall be affixed on the body of deserters.

Whenever his Majesty shall intend any Sentence of a Court-martial of Transportation to be carried into execution, or shall be graciously pleased to extend his Mercy, upon condition of Transportation, to any Offender liable to the Punishment of Death by the Sentence of a Court-martial, such Sentence, together with his Majesty's Pleasure upon the same, shall be notified in writing by the Commander in Chief for the time being of his Majesty's Forces in Great Britain, or in the absence of the Commander in Chief, then by the Adjutant General for the time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the Degree of the Coif; and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender, upon the Terms and for the Time which shall be specified in such Notification, and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Justice or Baron is authorized to make or do by any Act or Acts of Parliament in force at the time of making any such Orders in relation to the Transportation of Offenders; and such Order and Orders so to be made, and all such Acts as shall be so done as aforesaid, shall be obeyed and done by such person in whose Custody such Offender shall at that time be, and all other persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of the said Act (1) with respect

Sentence of transportation, &c. shall be notified by the commander in chief or the adjutant-general to any justice of the king's bench, &c. who shall make an order for the transportation of such offenders.

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(1) There appears to be some Confusion here in referring to *the said Act*. An Enactment similar to this Clause is to be found in the Statute 56 G. 3. c. 119. which recites the Mutiny Act of the same Session (cap. 10), and the error noticed in the above ninth section may have arisen from the Circumstance of the Provision of the Statute 56 G. 3. c. 119. having been copied and inserted in the last Mutiny Act without adapting the Words of it to the precise Purposes of that Act.

to any Offender in the said Act mentioned (1); and every Sheriff, Gaoler, Keeper, Governor or Superintendant whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of the aforesaid Act (1); and every person so ordered to be transported as aforesaid shall be subject respectively to all and every the Provision and Provisions made by Law, and now in force, concerning persons convicted of any Crime, and sentenced to be transported, or receiving his Majesty's Pardon on condition of Transportation. 59 G. 3. c. 9. s. 9.

Such notification, &c. shall be filed in the office of the clerk of the Crown;

The Justice or Baron who shall make any such Order as aforesaid, under any such Notification of his Majesty's Pleasure as aforesaid, shall direct the said Notification, and his own Order made thereupon, to be filed in the Office of the Clerk of the Crown of his Majesty's Court of King's Bench, and to be there kept of Record; and the said Clerk of the Crown shall receive a Fee of Two Shillings and Sixpence, and no more, for filing the same. s. 10.

who shall, on application, deliver a certificate of the conviction of any such offender, &c.

The said Clerk of the Crown of his Majesty's Court of King's Bench shall, upon the application of any such Offender who shall be ordered by his Majesty to be transported as aforesaid, or of any other person applying on his behalf, or on the application of any person on behalf of his Majesty, deliver a Certificate in writing under his hand (not taking for the same more than Two Shillings and Sixpence), containing an account of the Christian Name and Surname of such Offender, of his Offence, of the Place where the Court was held, before whom he was convicted, and of the Terms and Conditions on which his Majesty's Order for such Offender's Transportation was given; which Certificate shall be sufficient proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court, and in any Proceeding wherein it may be necessary to inquire into the same. s. 11.

Sentence of transportation in India, &c. to be notified by the officer commanding in chief

Provided always, that whenever any Sentence of Transportation passed by any Court-martial holden in the East Indies, or in Saint Helena, or in his Majesty's Settlements of the Cape of Good Hope or Ceylon, or in any Settlement occupied by his

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(1) See Note in preceding Page.



Majesty's Forces beyond the Cape of Good Hope, is to be carried into Execution, or Mercy shall be extended to any Offender liable to the Punishment of Death by the Sentence of any such Court-martial, upon condition of Transportation, the same shall be notified in writing by the Officer commanding in Chief his Majesty's Forces in India, or in Saint Helena, or at the Cape of Good Hope, or in the Island of Ceylon, or at any other Foreign Settlement, Island, Territory, or Country belonging to his Majesty, within the Limits of the Charter of the United Company of Merchants of England trading to the East Indies, or in the absence of the Officer commanding in Chief, then by the Adjutant General for the time being, to some Judge of one of the Supreme Courts of Judicature of the Presidencies of Fort William, Fort Saint George, or Bombay, or the Chief Justice or other Judge at the Island of Ceylon or the Cape of Good Hope, or any such other Settlement, Island, Territory, or Country respectively as aforesaid; and thereupon such Judge shall make an Order for the Transportation of such Offender, upon the terms and for the time which shall be specified in such Notification; and shall also make such other Order or Orders, and do all such other Acts consequent upon the same, as any such Judge is authorized to make or do with respect to Offenders ordered to be transported by Sentence of the Criminal Courts in India; and the Governor and Council of such Presidency, or Governor of such Settlement, Island, Territory, or Country respectively, shall and they are hereby required to take Order for the Transportation of all such Offenders accordingly. 59 G. 3. c. 9. s. 12.

to some judge of one of the supreme courts, who shall make order for such transportation.

If any Offender under Sentence of Death by a Court-martial as aforesaid shall obtain his Majesty's conditional Pardon as aforesaid, all and every the Laws now in force, touching the Escape of Felons under Sentence of Death shall apply to such Offender, and to all persons aiding, abetting, or assisting in any Escape or intended Escape of any such Offender, or contriving any such Escape, from the time when such Order shall be made by such Justice or Baron as aforesaid, and during all the several Proceedings which shall be had for the purposes aforesaid. s. 13.

Offenders under sentence of death obtaining his Majesty's conditional pardon, shall be subject to the laws touching the escape of felons, &c.

His Majesty may, from time to time, grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of Great Britain and Ireland, in like manner as has been heretofore used; and his Majesty may likewise, from time to time, by his Royal Com-

The king may grant a commission for holding courts-martial, &c.

mission, empower the Chief Governor or Governors of that part of the United Kingdom of Great Britain and Ireland called Ireland, the Governor of Gibraltar, and the Governor of any of his Majesty's Dominions beyond the Seas respectively, or the person or persons there commanding in Chief his Majesty's Forces for the time being, and may also from time to time extend his Royal Warrant to the Commander of the Forces in that part of the said United Kingdom called Ireland, and to any General or other Officer having the Command of a Body of his Majesty's Forces within the United Kingdom of Great Britain and Ireland, or in any of his Majesty's Dominions, or elsewhere beyond the Seas, or to the General or other Officer commanding such Body of Forces for the time being, empowering them respectively to appoint General Courts-martial, as well as to authorize any Officer under their respective Command not below the degree of a Field Officer, to convene General Courts-martial, as occasion may require, for the Trial of Offences committed by any of their Forces under their several Command, whether the same shall have been so committed before or after such General Officer shall have taken upon himself such Command; all which Courts-martial shall be constituted, and shall regulate their Proceedings, according to the several Provisions herein-after specified. 59 G. 3. c. 9. s. 14.

None to be tried a second time for the same offence, except in cases of appeal.

Provided always, and be it hereby declared and enacted, that no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a second time by the same or any other Court-martial for the same Offence, unless in the case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once. s. 15.

Act not to exempt soldiers from ordinary proceedings at law.

Provided always, that nothing in this Act contained shall extend or be construed to exempt any Officer or Soldier whatsoever from being proceeded against by the ordinary course of Law. s. 16.

Persons accused of Crimes punishable by the known laws shall be delivered over to the civil power.

Provided always, that if any Officer, Non-commissioned Officer, or Soldier shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of his Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his and their utmost endeavours to deliver over such accused Person to the Civil Magistrate; and

shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such Commanding Officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding or assisting to the Officers of Justice in apprehending such Offenders, every such Officer so offending, and being thereof convicted, upon any Information or Indictment in any of his Majesty's Courts of Record at Westminster, or in any of his Majesty's Courts in Scotland, or in Dublin, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of Great Britain and Ireland, or in his Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in London. s. 17.

Provided also, that no person or persons, being acquitted or convicted of any Capital Crimes, Violences, or Offences by the Civil Magistrate, shall be liable to be punished by a Court martial for the same, otherwise than by cashiering.

Persons acquitted, &c. by the civil magistrate, shall only be cashiered.

No Officer, Non-commissioned Officer, or Soldier, who shall be arrested and committed to Prison upon a charge of any Criminal Offence, shall receive any Part of his Pay from the Day of such Commitment till the day of his return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join; provided that if he shall be acquitted of the Offence for which he was committed, he shall upon his return to his Corps be entitled to receive all Arrears of Pay which were growing due during the time of his Confinement; but if he shall be convicted he shall forfeit all right to any Pay from the day of his Commitment during the time of his Confinement, as well under the original Commitment as under any Commitment consequent upon such Conviction, and until the day of his return to the Regiment, Troop, Company, or Detachment to which he shall belong, or which he shall be ordered to join: Provided always, that it shall be lawful for the Secretary at War for the time being, or if in Ireland the Chief Secretary, or in his absence, the Under Secretary for the Military Department, to order the Issue and Payment to any such Officer, Non-commissioned Officer, or Soldier, during any such Commitment or Imprisonment, or either of them, or any part thereof, of the Pay of any such Officer, Non-commissioned Officer, or Soldier, or of any Proportion of such Pay, or of any Arrears thereof, either during such Commitment or Im-

No officer or soldier imprisoned upon a charge of a criminal offence, shall receive any pay during their confinement, but if they shall be acquitted shall receive the arrears at their return to their corps, and if convicted shall forfeit all pay during their confinement.

prisonment, or after the discharge of such Officer, Non-commissioned Officer, or Soldier, after Conviction, or otherwise, as shall appear to the Secretary of War, or if in Ireland to such Chief or Under Secretary as aforesaid, to be proper; and the Order of the Secretary at War, or such Chief or Under Secretary in Ireland, as the case may require, for the Payment of such Pay or Arrears, shall be a sufficient Discharge for such Payment. 59 G. 3. c. 9. s. 19.

Of what number of members general courts-martial shall consist.

All General Courts-martial held under the Authority of this Act shall consist of Thirteen or Nine Commissioned Officers, as the case may require; except the same shall be holden upon any Officer, Non-commissioned Officer, or Private Soldier of his Majesty's Forces, which shall be serving in any place beyond the Seas out of his Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of England trading to the East Indies; in which cases any General Court-martial may consist of any Number not less than Seven; and except the same shall be holden in Africa or in New South Wales, in which places such General Courts-martial may consist of any Number not less than Five; of whom none shall be under the degree of a Commissioned Officer; nor shall the President of any General Court-martial be the Officer commanding in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the degree of a Field Officer, unless where a Field Officer cannot be had, nor in any case whatsoever under the degree of a Captain. s. 20.

General or other officers commanding stations abroad may summon general courts-martial in certain cases.

Provided always, that it shall be lawful for any General or other Officer commanding any Station, or commanding any Division, Brigade, Detachment, or distinct Party belonging to any Army of his Majesty, which may at any time be serving in any place beyond the Seas out of his Majesty's Dominions, upon Complaint made to him of any Crime or Crimes, Offence or Offences, done or committed against the Property or Person of any Inhabitant of or resident in any such Countries by any Non-commissioned Officer, Soldier, or other person serving with or belonging to his Majesty's Armies, being under the immediate Command of any such General or other Officer, to summon and cause to assemble a General Court-martial, which shall consist of not less than Three Officers at the least, for the purpose of trying any such person or persons accused or suspected of having committed any such Crime or Crimes, Offence or Offences as aforesaid, notwithstanding such General or other Officer shall not have received from his Majesty, or from any Person having

his Majesty's Authority in that behalf, any Warrant or Warrants empowering such General or other Officer to summon or assemble Courts-martial; and every such Court-martial shall have power to try any such person or persons so accused or suspected as aforesaid, and to adjudge any such person or persons to suffer any such Punishment as shall be prescribed for any Crime or Crimes, Offence or Offences, with which any such person or persons shall be charged before such Court-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding in Chief the Army of which the Division, Brigade, Detachment, or Party to which any person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same: Provided also, that every such Court-martial shall have such and the same powers for summoning and examining Witnesses, and that Witnesses guilty of Perjury, on Examination before them, shall be subject and liable to the same Penalties and Punishments, as are or shall be by any Law or Usage in force in relation to any other Court-martial or to any Witnesses examined before any other Court-martial. s. 21.

Provided always, that no General Court-martial for the Trial of any Officer (except the same shall be holden in any Place beyond the Seas out of his Majesty's Dominions, and out of any of the Settlements belonging to the United Company of Merchants of England trading to the East Indies, or in Africa, or New South Wales), shall consist of less than Thirteen Members. s. 22.

General courts-martial (except, &c.) not to consist of less than 13 members.

Provided always, that no General Court-martial, consisting of any less Number than Thirteen Commissioned Officers, unless holden in any Place beyond the Seas out of his Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of England trading to the East Indies, or in Africa or New South Wales as aforesaid, shall sentence any Non-commissioned Officer or Soldier to Loss of Life or Limb, or Transportation. s. 23.

No general court-martial of less than 13, except in certain places, shall sentence any soldier to loss of life or transportation.

Provided always, that it shall be lawful for any such General Courts-martial, by their Sentence or Judgment, to inflict Imprisonment, solitary or otherwise, or Corporal Punishment, not extending to Life or Limb, as such Court shall think fit, on any Non-commissioned Officer or Soldier for Immoralities, Misbehaviour, or Neglect of Duty, or to adjudge a Forfeiture of all Benefit or Advantage as to increase of Pay, or as to Pension, which might otherwise have accrued to such Non-commissioned

General courts-martial may inflict corporal punishment or imprisonment, &c. for immoralities, &c.

Officer or Soldier from the Length or Nature of his Service: Provided always, that it shall not be lawful for any General Regimental Court-martial to award such Forfeiture of Benefit or Advantage as to increase of Pay or as to Pension as aforesaid, except in cases of Desertion as before provided for. s. 24.

General or other courts-martial may sentence non-commissioned officers or soldiers to imprisonment in any house of correction or gaol, &c.

Provided always, that it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Soldier to Imprisonment in any House of Correction, Common Gaol, or Public Prison, or in any other Place which such Court may deem fit and convenient for that Purpose; and all Gaolers and Keepers of such Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged, any Non-commissioned Officer or Soldier who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Soldier, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in writing from the Commanding Officer of the District within which such General Court-martial shall have been held, or from the Commanding Officer of any Regiment or Corps to which such Non-commissioned Officer or Soldier so tried by any Regimental Court-martial as aforesaid shall belong; and every such Gaoler or Keeper of any such House of Correction shall, upon receiving an Order in writing from any such Commanding Officer as aforesaid, deliver any such Non-commissioned Officer or Soldier to any person, on producing such Order, although the Period for which he was originally sent to such Gaol or House of Correction shall not have expired; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information for the use of his Majesty. s. 25.

Penalty on gaolers refusing to receive them.

Such offenders shall forfeit their pay.

Allowance to gaolers, &c.

Every Non-commissioned Officer or Soldier sentenced to Imprisonment by any General or other Court-martial shall forfeit all Right to any Pay from the Day of his Commitment during the Time of such Imprisonment; and also during the Continuance of any Imprisonment in any Gaol or House of Correction, the Gaoler or Keeper of such Prison or House of Correction in Great Britain, and in Ireland the Inspector under



whose immediate Inspection such House of Correction, Gaol, or Prison shall be, shall receive and apply in the Maintenance of such Non-commissioned Officer or Soldier the Sum of Nine-pence per Diem out of the Subsistence of such Non-commissioned Officer or Soldier during the Time that such Non-commissioned Officer or Soldier shall continue in Custody; which said Sum the Secretary at War in Great Britain, and in Ireland the Chief Secretary to the Lord Lieutenant or other Chief Governor, or in his Absence the Under Secretary for the Military Department, is hereby authorized and required to cause to be paid to the said Gaoler or Keeper, or Inspector respectively as aforesaid, upon receiving an Application in Writing signed by any Justice of the Peace for the County or Riding in which such Gaol, Prison, or House of Correction shall be locally situate, together with a Copy of the Order under which the said Non-commissioned Officer or Soldier was confined: Provided always, that it shall be lawful for the Secretary at War, or for such Chief Secretary as aforesaid, or in his Absence for the Under Secretary for the Military Department for the time being, if he should think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, or of any Arrears thereof, to or on account of such Non-commissioned Officer or Soldier, during or after the Expiration of the Period of his Imprisonment in any Gaol, House of Correction, or Place of Military Confinement. 59 G. 3. c. 9. s. 26.

All General and other Courts-martial shall have Power and Authority, and are hereby required to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them. s. 27.

Courts-martial may administer oath to witnesses.

Provided always, that in all Trials by General Courts-martial to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Judge Advocate or his Deputy (who are hereby authorized to administer the same); that is to say,

Members of general courts-martial shall take the following oath.

“ You shall well and truly try and determine, according to your Evidence, in the Matter now before you. So help you God.”

‘ I do swear, that I will duly administer Justice according to the Rules and Articles for the better Government of his Majesty’s Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour,

or Affection ; and if any Doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases : and I further swear, that I will not divulge the Sentence of the Court until it shall be approved by his Majesty, or by some Person duly authorized by him ; neither will I, upon any account, at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness, by a Court of Justice or a Court-martial, in a due Course of Law. So help me God."

The Judge Advocate shall take the following oath.

And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words.

" I do swear, that I will not upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness, by a Court of Justice or a Court-martial, in a due Course of Law. So help me God."

In sentences of death, what number of officers shall concur, &c.

And no Sentence of Death shall be given against any Offender in such case by any General Court-martial, unless Nine Officers present shall concur therein, (except such General Court-martial shall be holden in any Place beyond the Seas out of his Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of England trading to the East Indies, or in Africa, or in New South Wales as aforesaid) ; and in all cases where a Court-martial shall consist of more Officers than Thirteen, and also in any Place beyond the Seas out of his Majesty's Dominions, or out of any of the Settlements belonging to the United Company of Merchants of England trading to the East Indies, or in Africa and in New South Wales as aforesaid, when the same shall consist of a lesser Number of Officers, then such Judgment shall pass by the Concurrence of Two-thirds at the least of the Officers present ; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in cases which require an immediate example : provided also, that all Witnesses duly summoned by the Judge Advocate, or the person officiating as such, shall, during their necessary attendance in such Courts, and in going to and returning from the same, be privileged from Arrest in like manner as Witnesses attending any of his Majesty's Courts of Law are privileged ; and

Hours of trial.

Witnesses attending courts-martial privileged from arrest.

that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in London or in Dublin, or Court of Sessions in Scotland, or Courts of Law in the West Indies, according as the case shall require, upon its being made appear to such Court or Judge, by Affidavit in a summary way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid, who shall not attend on such Courts, shall be liable to be attached in the Court of King's Bench in London or Dublin, or Court of Session or Sheriffs Depute or Stewards Depute, or their respective Substitutes, within their several Shires and Stewartries in Scotland, or Courts of Law in the West Indies respectively, upon Complaint made to the said Courts of King's Bench, or Court of Session in Scotland, or Courts of Law in the West Indies, in like manner as if such Witness had neglected to attend on a Trial in any Criminal Proceeding in that Court. 59 G. 3. c. 9. s. 28.

Witnesses not attending liable to be attached.

Provided always, that in all Trials by any Courts-martial, other than General Courts-martial, which shall be held by virtue of this Act, or of any Articles of War established by his Majesty in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member, having first taken the said Oaths); that is to say,

Proceedings in trials by courts-martial other than general courts-martial.

“ You shall well and truly try and determine, according to your Evidence, in the Matter now before you. So help you God.”

Oath to be taken by the members of such courts-martial.

“ I do swear, that I will duly administer Justice, according to the Rules and Articles for the better Government of his Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. So help me God.”

And the President of every such Court-martial (not being under the Rank of a Captain) shall be appointed by the Commanding

Appointment of Resident.

Officer of the Regiment, Detachment, or Brigade, or the Governor or Commander of the Garrison, Fort, Castle, or Barrack, directing such Court-martial. 59 G. 3. c. 9. s. 29.

As often as shall be necessary, officers of the land and marine forces may sit in conjunction upon courts-martial, taking rank according to the seniority of their Commissions.

And whereas it may be expedient in certain cases, and particularly in such matters wherein any of his Majesty's Marine Forces may be interested, that Officers of the Marine should be associated with Officers of the Land Forces, for the purpose of holding Courts-martial; be it enacted and declared, that when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Marine Forces to sit in conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces, in like manner to all intents and purposes as if such Courts-martial were composed of Officers of the Land Forces only; and the Officers of the Land and Marine Forces are in such cases to take Rank according to the Seniority of their Commissions in either Service. s. 30.

Officers of the King's forces and officers in the East India Company's service may sit in conjunction at courts-martial, &c.

And whereas it may also be expedient that Officers of his Majesty's Land Forces, when employed in conjunction with Officers in the Service of the United Company of Merchants of England trading to the East Indies, should in certain cases be associated for the purpose of holding Courts-martial; be it enacted and declared, that when and as often as there may be occasion, it shall and may be lawful for Officers of his Majesty's Land Forces, and of the Forces in the Service of the United Company of Merchants of England trading to the East Indies, to sit in conjunction at Courts-martial, and to proceed in the Trial of any Officer or Soldier, in like manner, to all intents purposes, as if such Courts-martial were composed of Officers of his Majesty's Land Forces, or of Officers in the Service of the said United Company only; with this Distinction, that upon the Trial of any Officer or Soldier of his Majesty's Land Forces, regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Courts-martial shall be in the Terms by this Act prescribed; and upon the Trial of any Officer or Soldier in the Service of the said United Company, regard shall be had to the Regulations and Provisions made by or in pursuance of an Act passed in the Twenty-seventh Year of the Reign of his late Majesty King George the Second, intituled "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East Indies; and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena;"

and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act. s. 31.

Provided always, that the Party tried by any General Court-martial within Europe (except in the Garrison of Gibraltar) shall be entitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same), at any time not sooner than Three Months after such Sentence; and in case of Trial by any General Court-martial at Gibraltar, at any time not sooner than Six Months after the Sentence given by such Court-martial; and in the case of Trial by any General Court-martial in his Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any thing in this Act to the contrary notwithstanding. s. 32.

The party tried entitled to a copy of the sentence and proceedings of the court-martial.

Provided always, every Judge Advocate, or Person officiating as such at any General Court-martial, do and he is hereby required to transmit, with as much Expedition as the opportunity of time and distance of place can admit, the original Proceedings and Sentence of such Court-martial to the Judge Advocate General in London, or if the Court-martial shall have been held in Ireland, to the Judge Advocate General in Dublin; and the said original Proceedings and Sentences are to be carefully kept and preserved in the respective Offices, to the end that the Persons entitled thereto may be enabled, upon Application to such Office, to obtain Copies thereof, according to the true intent and meaning of this Act. s. 33.

Proceedings, &c. of courts-martial shall be transmitted to the Judge Advocate General in London or Dublin.

Provided always, and be it further enacted and declared, that none of the Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp Duty whatsoever; any thing contained in any former Act or Acts to the contrary notwithstanding. s. 34.

Proceedings of courts, &c. exempted from stamp duties.

It shall and may be lawful to and for his Majesty to form, make, and establish Articles of War for the better Government of his Majesty's Forces, which Articles shall be judicially taken notice of by all Judges, and in all Courts whatsoever. s. 35.

His Majesty empowered to make articles of war.

And for the more effectual Notification thereof to the several Judges and Persons herein-after mentioned, be it further enacted,

Copies of which shall be transmitted to the

Judges, &c. in  
England, &c.  
and Governors  
abroad.

His Majesty  
may authorize  
others to con-  
vene courts-  
martial.

None to be ad-  
judged of life or  
limb but for  
crimes expressed  
to be so punish-  
able by this Act.

Where offences  
committed  
beyond sea shall  
be tried.

that Copies of all such Articles of War, printed by the King's Printer, shall from time to time, as soon as conveniently may be after the same shall have been made and established by his Majesty, be transmitted by his Majesty's Secretary at War for the time being, signed with his own Hand and Name, to the Judges of his Majesty's superior Courts at Westminster, Dublin, and Edinburgh respectively, and also to the Governors of his Majesty's Colonies, Plantations, and Territories abroad. s. 36.

And for bringing Offenders against such Articles of War to Justice, it shall be lawful for his Majesty to erect and constitute Courts-martial, as well as to grant his Royal Commissions or Warrants to the Persons and in the Manner herein mentioned and expressed, for convening and authorizing others to convene Courts-martial, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgment of the same, as well within the United Kingdom of Great Britain and Ireland, in Jersey, Guernsey, Alderney, Sark, or Man, and the Islands thereto belonging, as in his Majesty's Garrison of Gibraltar, and in any of his Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas. s. 37.

Provided always, that no Person shall, by such Articles of War, be subjected to any Punishment extending to Life or Limb, within the United Kingdom of Great Britain and Ireland, Jersey, Guernsey, Alderney, Sark, or Man, or any of the Isles thereto belonging, for any Crime which is not expressed to be so punishable by this Act; nor for such Crimes as are expressed to be so punishable, in any manner, or under any Regulations which shall not accord with the Provisions of this Act. s. 38.

Provided always, that if any Officer or Soldier, or any other Persons subject to the Provisions of this Act, shall in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall after the Commission of any such Offence go or be sent to any other Station or Part of His Majesty's Dominions in the Course of Service abroad, or come or be brought into this Realm, or into Jersey, Guernsey, Alderney, Sark, or Man, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence, such Officer or Soldier or other Person shall be tried and punished for the same at such other Station or Part of his



Majesty's Dominions, or within the Realm, or any such Island as aforesaid, as if the Offence had been committed where such Trial shall take place. 59 G. 3. c. 9. s. 39.

And whereas it is of essential Importance, as well to the due Observance of public Economy as to the Discipline of His Majesty's Forces, that they should be regularly mustered, and that the Musters should be taken with the strictest Accuracy and Exactness; be it therefore enacted, that Musters shall be made, had, or taken of every Regiment, Troop, or Company in his Majesty's Service Twice at the least in every Year, at such times as shall be appointed. s. 40.

Musters shall be made twice a year.

No Officer shall muster any Regiment, Troop, or Company within the City of Westminster and Borough of Southwark and Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being discharged from his Office, unless such Justices, upon Forty-eight Hours Notice being given to Six of His Majesty's Justices of the Peace residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Officer may proceed to muster such Regiment, Troop, or Company; provided that Oath be made before any of His Majesty's Justices of the Peace within Forty-eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace as aforesaid, which Justices so attending are hereby empowered to sign the said Muster Rolls, and to take Recognizance of such Muster, and to examine the Truth thereof, before they sign the same. s. 41.

No muster in Westminster or Southwark but in the presence of two or more justices.

Provided always, that all Muster Rolls and Pay Lists which are required to be verified upon Oath, shall be sworn before and attested by any Justice of the Peace or Magistrate, who are hereby authorized and required to administer such Oath, and attest the same, without Payment of any Fee or Reward whatever in respect thereof, either to such Justice or Magistrate, or the Clerk of any such Justice or Magistrate. s. 42.

Muster rolls and pay lists to be verified on oath, and attested by a Magistrate without fee.

And for preventing of Fraud and Deceit in the mustering of Soldiers, be it further enacted, that if any Person do make or give, or procure to be made or given, any false or untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster, or any other Service which he ought to attend or perform, upon Pretence of such Soldier being employed on some other Duty of the Regiment, or being sick, in Prison, or on Furlough; then every such Person so making, giving, or pro-

Penalty on giving false certificates to excuse soldiers from musters.

curing such Certificate, shall for every such Offence forfeit the Sum of Fifty Pounds, and shall be forthwith cashiered and displaced from his Office, and shall be thereby utterly disabled to have or hold any Military Office or Employment within this Realm, or in His Majesty's Service; and no Certificate shall excuse the Absence of any Soldier, but for the Reasons above mentioned, or one of them. 59 G. 3. c. 9. s. 43.

Officers making  
false musters,  
&c.

Every Officer that shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster-roll wherein such false Muster is contained, or any Duplicate thereof; and also every Officer who shall directly or indirectly take or cause to be taken any Sum or Sums of Money, or any other Gratuity, on or for the mustering any Regiment, Troop, or Company, or on or for the signing of any Muster-rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, to be thereupon called (which is hereby authorized and required to administer such Oath), shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of Great Britain and Ireland, or in his Majesty's Service. s. 44.

shall be cash-  
iered, and  
disabled to  
hold any office.

Like punishment  
on Officers  
mustering per-  
sons by wrong  
names.

If any Officer shall knowingly muster any person by a wrong Name, upon Conviction thereof before a General Court-martial, the said Officer shall be subject to such Penalties as are directed and inflicted by this Act upon those who shall make false Musters. s. 45.

Persons offering  
themselves to be  
falsely mustered,  
shall be com-  
mitted for ten  
days.

If any person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses before any Justice of the Peace for the County residing near the Place where such Muster shall be made, and upon Certificate thereof, in Writing, under the hand of the Officer appointed to take the Muster, made to such Justice of the Peace, the said Justice is hereby authorized and required to commit such Offender to the House of Correction, there to remain for the space of Ten Days: and if any person shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered, the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the person lending or furnishing the said Horse, or otherwise the person lending or furnishing the said Horse shall forfeit the sum of Twenty Pounds, upon Oath made by Two Witnesses, before some Justice of the

Horses falsely  
mustered shall  
be forfeited, &c.

Peace residing near to the Place where such Muster shall be made; which Twenty Pounds shall be levied, by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the person so offending, rendering the Overplus (if any be) to the Owner; and in case such Offender shall not have sufficient Goods and Chattels whereon Distress may be made to the value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction, then and in such case such Justice shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the space of Three Months, or cause such Offender to be publicly whipped at the discretion of such Justice; and the said Forfeiture shall be given or paid to such person or persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a right to be discharged forthwith, if he or they shall demand the same. s. 46.

Offenders not having goods may be committed or whipped.

Soldiers giving information of false musters entitled to discharge.

In Great Britain the Officer who shall be appointed to take the Half-yearly Muster of any Regiment, Troop, or Company in his Majesty's Service at any Place Ten Miles distant from London, shall close the Muster Rolls of the said Regiment, Troop, or Company within Twenty-four Hours after such Muster shall have been made, and shall return the Rolls so taken by by the Post or other safe Conveyance, within Seven Days after their being closed, to the Secretary at War, and shall send one Copy thereof to the Paymaster General of his Majesty's Land Forces, and one Copy thereof to the Comptrollers of the Accounts of the Army, on or before the First Day of May and Twenty-ninth Day of September respectively following such Half-yearly Muster; and no Alterations or Indorsements shall be made in or upon the said Muster Rolls, other than in the case of Orders of Leave or Dates of Commissions, and other than involuntary errors or literal mistakes in writing or transcribing the said Muster Rolls, upon pain of forfeiting the Employment of such Officer, as also the sum of Twenty Pounds for every such Offence to any person who shall sue for the same. s. 47.

Muster-rolls ten miles distant from London, to be closed within 24 hours after the muster, and returned within seven days to the Secretary at War.

A recital of the Petition of Right, 3 Car. 1. and the Statute 31 Car. 2. c. 1. s. 54. Constables and Chief Officers and Magistrates in England, Wales, and Town of Berwick-upon-Tweed, may, during the continuance of this Act, quarter Officers and Men in Inns, Alehouses, &c. but in no Distillers or

Shopkeepers Houses, or in any private Houses; such Constables, &c. quartering Soldiers in private Houses, &c. liable to an Action. Military Officers quartering Soldiers contrary to this Act, shall on Conviction before Two Justices of Peace be deemed cashiered, &c. Persons aggrieved by being quartered on may complain to any Justice and be relieved. s. 48. Regulations for quartering Soldiers in Ireland. s. 49. Soldiers not to be billeted above One Mile from the Places mentioned in the Route. s. 50. For the more equal billeting of Soldiers on the Borders of Counties. s. 51. Two Magistrates may grant Licences for keeping Canteens. s. 52. Lord Lieutenant may appoint a person to sign Routes. s. 53. No Justice having any Military Office to be concerned in billeting his Soldiers. s. 54. High Constable, &c. may issue Precepts for billeting Foot Guards in Westminster and Places adjacent lying in the County of Middlesex, and in the County of Surrey and Borough of Southwark. s. 55. Constables, &c. in the last-mentioned Places shall deliver Lists at Quarter Sessions, on Oath, of Houses subject to receive Soldiers, &c. in their respective Divisions; to be inspected without Fee. Copies of such Lists to be wrote by the Clerk at 2d. per Sheet containing 150 Words. Penalty on Default. Penalty on giving defective Lists. How to be levied. s. 56. Officers, Men, and Horses, belonging to the Horse or Dragoons, and also Bat and Baggage Horses, &c. how to be quartered, &c. s. 57. Dragoons, &c. quartered on persons who have no Stables, may be removed to those who have Stables, &c. s. 58. Dragoons, &c. and their Horses, shall be billeted in the same Houses. s. 59. Manner of changing Men and Horses. s. 60.

Penalty on officers taking money to excuse any person from quartering.

Provided always, that if any Officer shall take or cause to be taken, or knowingly suffer to be taken; any Money of any person for excusing the quartering of Officers or Soldiers, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever. s. 61.

Penalty on Constables, &c. taking Money to excuse any person from quartering; and on Victuallers refusing to quarter Soldiers. s. 62. Justices may order Constables to give an Account of the Number of Soldiers quartered, &c. s. 63. Justices may extend Routes and enlarge Quarters. s. 64. Officers and Soldiers shall pay certain Rates for their Diet. s. 65. If Innholders furnish the Men quartered on them with Candles, Vinegar, and Salt, gratis, &c. the Men (except when on a March, &c.) shall provide their own Victuals and Small Beer. s. 66.

Officers receiving the Pay to settle the Demands of Innkeepers. Officers not satisfying such Demands, the same shall be charged against them by the Agent. s. 67. If Quarters be not paid for before the Marching of the Troops, Certificate of the Amount shall be transmitted to the Agent. s. 68.

If any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that purpose, shall, at any time during the continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any such Houses, against the consent of the Owners; the Party offending, if an Officer of the Army, shall, upon being convicted thereof before a General Court-martial, be cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied by Warrant of such Justice, by Distress and Sale of such Offender's Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same. s. 69.

Officers or soldiers wives, children, or servants, shall not be quartered without consent.

Penalty.

It shall and may be lawful for any Justice of the Peace for the County, Town, or Place where any Non-commissioned Officer or Soldier shall be quartered in that part of Great Britain called England, in case such Non-commissioned Officer or private Soldier have either Wife or Child or Children, to cause such Non-commissioned Officer or Soldier to be summoned before them, in the Town or Place where such Non-commissioned Officer or Soldier shall be quartered, in order to make Oath of the Place of their last legal Settlement, (which Oath such Justice is hereby empowered to administer); and such Non-commissioned Officers and private Soldiers as aforesaid are hereby directed to obey such Summons, and to make Oath accordingly; and such Justice is hereby required to give an attested Copy of such Affidavit so made before him to the person making the same, to be by him delivered to his Commanding Officer, in order to be produced when required; which attested Copy shall be at any time admitted in Evidence, as to such last legal Settlement, before any of his Majesty's Justices of the Peace, or at any General or Quarter Sessions of the Peace: Provided always, that in case any Non-commissioned Officer or private Soldier shall be again summoned to make Oath as aforesaid, then on such attested Copy of the Oath by him formerly taken being produced by him, or by any other person on his behalf, such Non-commissioned Officer

One Justice may examine officers or soldiers as to their settlement, and take their examination touching the same, which shall be evidence.

or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such attested Copy of Examination, if required. 59 G. 3. c. 9. s. 70.

For the providing Carriages for the Forces marching in England and Ireland. Warrants to specify the Places to which the Carriages shall travel, and the Number of Miles, &c. Penalty on Officers forcing Waggon to travel more than Magistrate's Warrant specifies, &c. s. 71. Rates to be paid for Carriages in England. s. 72. For providing Carriages at Places at a distance from the Residence of any Justice of the Peace. s. 73. Rates of Carriages in Ireland. s. 74. In cases of emergency Justices may be required to issue Warrants for providing Saddle Horses and Four-wheeled Carriages let to hire, and also Vessels. Officers demanding them, to pay for their Hire such Sums as the Justices shall direct. Constable to give a Receipt without Stamp, and to order the Horses, &c. to be provided. Military Officers may convey on them Arms, Clothes, Accoutrements, Baggage, Equipage, Officers, Soldiers, Servants, Women, Children, and other persons. Penalty on Officers forcing Horses, &c. to travel beyond the distance specified in Warrant without Licence. s. 75. No Waggon, &c. shall carry above 80 Hundred Weight. s. 76. Owners of Carriages in Ireland not obliged to take Loading till it is weighed. s. 77. Carriages impressed in Ireland not obliged to carry above Six Hundred Weight, &c. s. 78. Notice to be given to the Lord Mayor of Dublin, before the March of Troops out of that City, to provide Carriages. s. 79. Number of Carriages for Troops in Ireland to be regulated by the Lord Lieutenant. s. 80. Penalty on Constable, &c. for Neglect or Extortion, £5 and not less than 40s. s. 81. Rates to be paid before Carriages proceed in the March. s. 82. Officers and Soldiers, &c. on Duty, and Carriages, &c. employed in his Majesty's Service, exempted from payment of Tolls; unless where it is provided that they are liable with others. s. 83. Treasurer of the County to repay the Constables extraordinary Charges. s. 84. The Money for that purpose how to be raised. s. 85. Officers, &c. to be quartered in Scotland as the Laws in force at the Union direct. s. 86. Carriages in Scotland how to be provided. s. 87. How the Troops are to pay in passing over Ferries in Scotland. s. 88.

Penalty on  
officers or  
soldiers destroy-  
ing the game.

And for the better Preservation of Game in or near such place where any Officers or Soldiers shall at any time be quartered, be it further enacted, that if, from and after the said 24th March



1819, any Officer or Soldier shall, without Leave of the Lord of the Manor under his hand and seal first had and obtained, take, kill, or destroy any Hare, Cony, Pheasant, Partridge, Pigeon, or any other sort of Fowls, Poultry, or Fish, or his Majesty's Game, within the United Kingdom of Great Britain and Ireland, and upon Complaint thereof shall be, upon Oath of one or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace, who is and are hereby empowered and authorized to hear and determine the same; every Officer so offending shall for every such Offence forfeit the Sum of Five Pounds, to be distributed amongst the poor of the place where such Offence shall be committed; and every Officer commanding in Chief upon the place, for every such Offence committed by any Soldier under his Command, shall forfeit the Sum of Twenty Shillings, to be paid and distributed in manner aforesaid; and if upon Conviction made by the Justices of the Peace, and demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within two Days pay the said respective Penalties, such Officer so refusing or neglecting shall forfeit and he is hereby declared to have forfeited his Commission, and his Commission is hereby declared to be null and void. s. 89.

Persons receiving enlisting Money deemed to be enlisted. s. 90. Oath and Attestation of Service to his Majesty to be taken to his Heirs and Successors. s. 91. Clause for Relief of Persons hastily enlisting themselves. Such Persons not paying the enlisting and subsistence Money within the limited time to be deemed to be enlisted, in which case, or if they enlist, the Justices shall read over to them certain sections of the Articles of War, and administer certain Oaths. Recruits enlisted under 89 G. 3. c. 109. for the East India Company's Service, &c. shall take the Oath of Allegiance. Recruits enlisted under 50 G. 3. c. 87. shall take the Oaths in Schedules (G.) and (H.). Name and Residence of Recruits to be taken down. Justices may discharge persons hastily enlisting themselves on paying the enlisting Money: Magistrates to transmit to the Secretary at War Duplicates of Certificates of the Name and Residence of persons receiving enlisting Money and absconding. s. 92. Persons receiving enlisting Money and absconding, &c. deemed duly enlisted. s. 93. Recruits discharged previous to March 25, 1819, before the Expiration of 24 Hours after Enlistment, not to be proceeded against as Deserters. s. 94. Persons concealing Infirmities on enlisting may be transferred to Garrison, Veteran, or Invalid Battalions, or the Marines. s. 95.

Persons making false representations for the purpose of obtaining bounty, guilty of obtaining money under false pretences.

Any person who shall knowingly, wilfully, and designedly make any false Representation of any particular contained in the Oaths respectively marked (A.) and (B.) and Certificates marked (C.) and (D.) in the Schedule to this Act respectively contained and annexed, before the Justice of the Peace or Magistrate at the time of his Attestation, for the purpose of obtaining and shall obtain any enlisting Money or any Bounty for entering into his Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true intent and meaning of an Act passed in the Thirtieth Year of the Reign of his late Majesty King George the Second [30 G. 2. c. 24]; and the Production of such Certificate, and Proof of the Handwriting of the Justice of the Peace giving such Certificate, shall be sufficient Evidence of such party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the time of his being attested. 59 G. 3. c. 9. s. 96. (But see the next section).

Persons enlisting wilfully concealing any infirmity, or making any false representation, shall be deemed rogues and vagabonds.

Provided always, that it shall be lawful for any two Justices of the Peace or Magistrate before whom any person shall be brought who has enlisted, and who shall be proved upon Oath before them and convicted of having wilfully concealed any such Infirmity upon being attested, or of having knowingly, wilfully, and designedly made any such false Representation as aforesaid, to adjudge such person to be a Rogue and Vagabond, and such person shall thereupon be subject to such Punishment as by and under any Statutes or Laws now in force may be inflicted upon Rogues, Vagabonds, and Vagrants and incorrigible Rogues, to be adjudged by the Justices of the Peace or Magistrates so convicting any such person as aforesaid. s. 97.

For reckoning the Service of Soldiers from the Quarter Day antecedent to the Date of their Enlistment. s. 98. Persons advertising for Recruits without Authority shall forfeit £20, recoverable summarily before one Justice. s. 99.

Apprentices enlisting themselves deemed guilty of obtaining money under false pretences.

If any person duly bound as an Apprentice shall enlist as a Soldier in his Majesty's Land Service, and shall state to the Justice of the Peace or Magistrate before whom he shall be carried that he is not an Apprentice, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to be imprisoned in any Gaol or House of Correction, and kept to hard Labour for Two Years; may be indicted and punished for obtaining Money under false Pretences under the Provisions of the said recited Act of the Thirtieth Year of the Reign of his late Majesty King George the Second,

[30 G. 2. c. 24.]; and shall after the Expiration of his Apprenticeship, whether such person shall have been so convicted and punished or not, be liable to serve as a Soldier in any Regiment of his Majesty's Regular Forces; and if, on the Expiration of his Apprenticeship, he shall not deliver himself to some Officer authorized to receive Recruits, may be taken as a Deserter from his Majesty's Forces. s. 100.

No Master in England shall be entitled to claim any Apprentice who shall, after the passing of this Act, enlist as a Soldier in his Majesty's Land Service, unless such Apprentice shall have been bound to him in England for the full Term of Seven Years, not having been above the Age of Fourteen when so bound; and if in Ireland, or in the Islands of Guernsey, Jersey, Alderney, Sark, or Man, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and unless such Master shall within One Calendar Month after such Apprentice shall have absconded or left his Service, go before some Justice of the Peace or Magistrate, and before such Justice of the Peace or Magistrate take the Oath mentioned in the Schedule to this Act annexed marked (K.), and produce the Certificate of such Justice of the Peace or Magistrate of his having taken such Oath, which Certificate such Justice of the Peace or Magistrate is hereby required to give in the Form in the Schedule to this Act annexed, marked (L.) s. 101.

Masters in England not entitled to claim apprentices unless bound for a certain period and the master shall take the oath herein mentioned.

How Masters in Scotland shall proceed to recover Apprentices. s. 102. Masters in Scotland not precluded from claiming Apprentices who shall hereafter enlist, if the Indenture be produced to a Justice within a limited time. s. 103. Masters of Apprentices enlisting, consenting, entitled to receive a certain Part of the Bounty Money. s. 104.

No Apprentice who shall be claimed by his Master shall be taken from the Regiment, Troop, or Recruiting Party with which he shall be, but under a Warrant granted by some Justice of the Peace or Magistrate of the County, Stewartry, Riding, Division, City, Liberty, or Place, and residing near to the Place where such Apprentice shall happen to be when so claimed; and it shall be lawful for such Justice of the Peace or Magistrate, and such Justice of the Peace or Magistrate is hereby required, on Proof on Oath of Notice having been given to the Officer commanding the Regiment or Troop or Company, or the Recruiting Party with which such Apprentice shall then be, or some Non-commissioned Officer of such Recruiting Party, of such Warrant, and that a Copy thereof has been left with such

Apprentices claimed by their master shall be carried before a justice and committed.

Officer or Non-commissioned Officer, and of such Person being an Apprentice, and having enlisted and declared that he was no Apprentice, and on Production and Proof of the Indenture of Apprenticeship, to commit such Person so offending as aforesaid, if required so to do by such Officer or Non-commissioned Officer as aforesaid, to the Common Gaol of the County, Stewartry, Riding, Division, City, Liberty, or Place where such Person shall be at the Time when he shall be so claimed by his said Master, there to remain until he shall be discharged by due Course of Law, or, if not so required, to deliver such Apprentice to his Master. 59 G. 3. c. 9. s. 105.

Justices to examine upon oath, and to keep the indenture, to be produced on the trial.

It shall be lawful for the Justice of the Peace or Magistrate so residing near to the Place where the Apprentice shall be claimed as aforesaid, except in Scotland as herein-after mentioned, before whom such Person so offending shall be so taken as aforesaid, to examine into the Matters alleged against such Person upon Oath, and which Oath the said Magistrate is hereby empowered to administer; and also to keep in his Custody the Indenture of Apprenticeship, to be produced as occasion shall require, and to bind over the Master claiming such Person, and any other Persons he may think proper, to give Evidence at the General or Quarter Sessions of the Peace, or Session of Oyer and Terminer, at which the Trial of such Person is herein-after directed to be had, against such Person so offending; and the Production of such Indenture of Apprenticeship, with the Certificate of the Justice of the Peace or Magistrate that the same was proved before him, shall be sufficient Evidence of such Indenture of Apprenticeship. s. 106.

Offenders shall be tried at the next quarter sessions.

Every such Offender, except in Scotland, may and shall be tried at the General or Quarter Sessions of the Peace, or Sessions of Oyer and Terminer for the County, Riding, Division, City, Liberty, or Place wherein the Offence charged shall have been committed, next after such Offender's being brought before such Justice of the Peace or Magistrate as aforesaid, or the Sessions immediately succeeding such next Sessions, unless the Court shall think fit to put off the Trial on just Cause. s. 107.

And in Scotland by the Judge Ordinary. s. 108. Gaoler to give previous Notice to the Secretary at War, &c. of the Expiration of the Imprisonment of Soldiers in his Custody. s. 109.

No person except an apprentice, liable to be taken out of the service for breach of contract.

Provided always, that no Person whatever, except an Apprentice, who has enlisted or shall enlist himself into His Majesty's Service as a Soldier as aforesaid, shall be liable to be arrested or taken out of His Majesty's Service by reason of the

Warrant of any Magistrate or Magistrates, on account of any Breach of Contract or Engagement to serve or work for any Master or Employer whatsoever. 59 G. 3. c. 9. s. 110.

Servants in certain Cases shall be entitled to Wages up to the time of enlisting. s. 111. Officers of the Forces not liable to have Parish Poor apprenticed to them. s. 112. Where any Corps beyond Seas shall be relieved in order to return Home, such of the Men as shall choose may be enlisted, &c. s. 113. Persons authorized by his Majesty may enlist or re-enlist Soldiers Abroad. s. 114. Soldiers entitled to Discharge to be sent Home free of Expense, and have Conduct and Marching Money Home. s. 115. Justices may commit Deserters. s. 116. Reward for taking up Deserters, 20 shillings. s. 117. Any Person confessing himself a Deserter, shall be deemed duly enlisted. s. 118. Penalty on Officer breaking open any House to search for a Deserter without Warrant, £20. s. 119. Certain Officers and Justices may grant an Extension of Furlough to any Non-commissioned Officer or Soldier applying for the same on account of Sickness, &c. s. 120. Non-commissioned Officer or Soldier, whose Furlough shall have been extended, shall not be liable to be apprehended as a Deserter, &c. s. 121. Subsistence of Men on Furlough to be according to His Majesty's Regulations. s. 122.

And to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Soldiers, whereby his Majesty and the Public may be deprived of their Service, it is hereby further enacted, that no person who is or shall be listed, or who shall list and enter himself as a Volunteer in his Majesty's Service as a Soldier, shall be liable to be taken out of his Majesty's Service by any Process or Execution whatsoever, other than for some criminal matter, unless for a real Debt, or other just cause of Action; and unless, before the taking out of such Process or Execution (not being for a criminal matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their behalf, shall make Affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall issue, or before some person authorized to take Affidavits in such Courts, that to his or their knowledge the original Sum justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be sued out, amounts to the Value of Twenty Pounds at least, over and above all Costs

No volunteer liable to process unless for some criminal matter,

or unless for a real debt of the value of 20l.

Oath of the debt to be made before a judge,

and a memorandum thereof marked on the back of the process.

of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of such Process or Writ, for which Memorandum or Oath no Fee shall be taken: And if any Person shall nevertheless be arrested contrary to the intent of this Act, it shall and may be lawful for one or more Judge or Judges of such Court, upon Complaint thereof made by the party himself, or by any his superior Officer, to examine into the same by the Oath of the parties or otherwise, and by Warrant under his or their hand and seal or hands and seals to discharge such Soldier so arrested contrary to the intent of this Act, without paying any Fee or Fees, upon due proof made before him or them that such Soldier so arrested was legally enlisted as a soldier in his Majesty's Service, and arrested contrary to the intent of this Act; and also to award to the party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs against the Defendant in the said Action. 59 G. 3. c. 9. s. 123.

Plaintiff may file a common Appearance. s. 124. Soldiers while confined for Debt not to receive Pay. s. 125. Soldiers taken Prisoners to forfeit Pay; to be entitled on being adjudged by a Court to have been fairly taken and acted properly; Secretary at War may advance Pay, if necessary, with consent of such Court. s. 126. Commissaries upon making up their Accounts, or returning from Foreign Service, to take an Oath. s. 127.

Officers, storekeepers, commissaries, &c. embezzling, &c. military stores, &c. may be tried by a court-martial;

and on conviction may be transported for life, &c. or be punished by pillory, fine, imprisonment, &c.

Every Paymaster or other Commissioned Officer of his Majesty's Forces, or any Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other person employed in the Commissariat Department, or in any manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to his Majesty's Forces, or for their use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such Paymaster or other Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other person, to be transported as a Felon for Life, or for any certain Term of Years, or to suffer



such Punishment of Pillory (1), Fine, Imprisonment, Dismissal from his Majesty's Service, and Incapacity of serving his Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the Nature and Degree of the Offence; and every such Officer or Person shall, in addition to any other Punishment, make good, at his own Expence, the Loss and Damage sustained which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid may be recovered in any of his Majesty's Courts of Record at Westminster, or in any other Courts of Law having Jurisdiction where any person adjudged by a Court-martial to have incurred any such Penalties, or to make good any such Losses or Damages shall be resident after the said Judgment shall be confirmed and made known; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as his Majesty shall direct and appoint. s. 128.

and the loss may be recovered by action, &c.

Every Non-commissioned Officer who shall be convicted, at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been intrusted for the Payment of the Men under his Command, or for enlisting Men into his Majesty's Service, shall be reduced to serve in the Ranks as a private Soldier, and be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not extending to Life or Limb) as the Court-martial shall think fit. s. 129.

Non-commissioned officers embezzling soldiers pay, to be reduced, &c.

From and after the said 24th March 1819, no Paymaster General or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, Muster-master, Paymaster of a Corps or District, or any other Officer whatsoever, or their Under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in his Majesty's Army, or from their Agents, which shall grow due from and after the said 24th March 1819, other than the usual Deductions allowed by his Majesty's Regulations, and such other necessary Deductions as shall from time to time be required to be made under any Act of Parliament now in force, or hereafter to be made or directed by his Majesty under his Royal Sign Manual. s. 130.

No paymaster, &c. to make deductions out of officers or private men's pay.

Exception.

Treasury may issue out the Money due for Clothing every Six Months. Paymaster General to pay the Clothing Money to the persons having Assignments. s. 131.

(1) See title PILLORY as to this Part of the Punishment.

Penalty on paymasters, agents, &c. detaining officers or soldiers pay.

If any Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, shall unlawfully detain or withhold, for the Space of One Month, the Pay of any Officer or Soldier (Clothes and all other just Allowances being deducted,) after such Pay shall be by him or them received; or if any Officers, having received their Soldiers Pay, shall refuse to pay each Non-commissioned Officer and Soldier their respective Pay when it shall become due, according to the several Rates established by his Majesty's Orders, then upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose duly held and summoned, every such Paymaster, Agent, Clerk, or Officer so offending, shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid; and the Informer, if a Soldier (if he demands it), shall be and he is hereby discharged from any further Service; any thing in this Act contained to the contrary notwithstanding: Provided always, that it shall and may be lawful for his Majesty's Secretary at War to give Orders for withholding the Pay of any Officer, Non-commissioned Officer, or Soldier, for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave. 59 G. 3. c. 9. s. 132.

Penalty on agents disobeying orders.

And for enforcing a prompt Observance of the Rules and Orders established or to be established for the due Appropriation of the Public Funds applicable to Army Services, and that a true and regular Account may be kept and rendered by the Agents of the several Garrisons, Regiments, Battalions, Corps, and Independent Troops and Companies, be it further enacted, that the said Agents are hereby required and directed to observe such Orders and Directions as shall from time to time be given by his Majesty under his Sign Manual, or by the Secretary at War for the time being, or by his Majesty's Chief Governor or Governors of Ireland, or by the Lord Treasurer or Commissioners of the Treasury for the time being; and if any person being or having been an Agent shall refuse or neglect to observe and comply with such Orders and Directions, in relation to his Duty as Agent, he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt or Information, for the use of his Majesty; and if still an Agent, for the Second Offence be discharged from his Employment as Agent of the Garrison, Regiment, Battalion, Corps, Independent Troop or Company in relation to which he shall have been guilty of such Offence, and be utterly disabled

to have or hold such Employment thereafter ; or if he shall have ceased to be such Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds, to be recovered as aforesaid. s. 133.

And whereas great Inconvenience has arisen to his Majesty's Service, from persons not being authorized Agents of Regiments, Troops, or Companies, negotiating for the Purchase, Sale, and Exchange of Commissions in his Majesty's Forces, and much larger Sums than are allowed by his Majesty's Regulations are often given and received for Commissions, and great Frauds committed ; be it therefore enacted, that every person not being an authorized Agent to some Regiment, Troop, or Company of his Majesty's Forces, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in his Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds ; and every person, whether authorized or not as Agent to some Regiment, Troop, or Company, who shall take, accept, or receive any Commission, Sum of Money, or Reward for any Negotiation relative to the Purchase, Sale, or Exchange of any Commission in his Majesty's Forces, or who shall negotiate, bargain for, or receive for his own use, or for the use of any other person or persons, any Sum of Money or other Consideration above the Amount of the Price allowed by his Majesty's Regulations for the Purchase, Sale, or Exchange of any such Commission, or any Sum of Money or other Consideration where no Price shall be allowed by his Majesty's Regulations, shall for every such Offence forfeit the Sum of One hundred Pounds, and Treble the Value of such Sum of Money or other Consideration as he shall negotiate, bargain for, or receive above the Amount of the Price allowed by his Majesty's Regulations for such Commission, in such Cases where any Price shall be allowed by his Majesty's Regulations, or Treble the Value of the Sum or other Consideration negotiated, bargained for, or taken and received in such Cases in which no Price shall be allowed by his Majesty's Regulations. s. 134.

Penalty on persons acting as army agents without authority.

Paymasters, &c. to account with Executors. s. 135. Officers, &c. of the Trains of Artillery, &c. subject to this Act. s. 136.

And whereas Doubts have arisen whether Officers and persons commissioned or employed in the Commissariat Department, or in the Office of Storekeeper to his Majesty's Regular Forces, be within the Intent and Meaning of this Act ; be it declared

Persons employed in the commissariat, &c. liable to the provisions of this act while serving with the forces.

and enacted, that all Officers and persons who are or shall be commissioned or employed in the Commissariat Department, or as Storekeeper, or under the Storekeeper General, who are or shall be serving with any Part of his Majesty's Forces at Home or Abroad, and are or shall be placed under the Command of any General or other Officer having Commission from his Majesty, shall be to all Intents and Purposes liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the case of his Majesty's other Forces. 59 G. 3. c. 9. s. 137.

Storekeepers  
and other civil  
officers liable to  
the provisions of  
this act.

And whereas it is expedient that the Provisions of this Act should be extended to the Storekeepers and other Civil Officers acting under the Ordnance at Foreign Stations; be it therefore enacted, that all Storekeepers and other Civil Officers, who are or shall be employed by, or act under the Ordnance, at any of his Majesty's Ordnance Establishments at Foreign Stations, shall be to all Intents and Purposes liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties and Punishments, as in the case of the other Officers and persons acting under the Ordnance herein-before made liable to this Act. s. 138.

Securities entered into by such Storekeepers, &c. not to be affected. s. 139.

Troops raised or  
serving in his  
majesty's pro-  
vinces, &c. act-  
ing in conjunc-  
tion with his  
majesty's other  
forces, liable to  
the same martial  
laws.

And whereas great Mischief and Inconvenience may arise if it should be doubted whether Troops in Pay, raised or serving in any of his Majesty's Provinces, Governments, Colonies, or Dominions, or in Countries, Colonies, or Places in Possession of or occupied by his Majesty's Subjects, or any Forces of his Majesty, are, while under the Command of any Officer having any Commission immediately from his Majesty, liable to the same Rules and Articles of War, and the same Penalties and Punishments, as his Majesty's other Forces are subject to; to prevent such Mischief, and remove all Doubts, be it declared and enacted, that all Officers and Soldiers of any Troops being mustered and in Pay, which have been or are or shall be raised or serving as aforesaid, shall at all Times and in all Places be liable to Martial Law and Discipline, in like manner to all Intents and Purposes as his Majesty's other Forces are, and shall be subject to the same Trial, Penalties, and Punishments. s. 140.

Persons employ-  
ed on recruiting  
service, and re-

This Act shall extend to all Serjeants and Non-commissioned Officers or persons employed on the Recruiting Service, re-

ceiving any regular Pay in respect of such Service; and all such Serjeants and Non-commissioned Officers and persons employed on the Recruiting Service, receiving any regular Pay in respect of such Service, shall be liable to Martial Law and Discipline in like manner to all Intents and Purposes as his Majesty's other Forces, and be subject to the same Trial, Penalties, and Punishments. s. 141.

ceiving regular pay, subject to the provisions of this act.

From and after the passing of this Act, all Negroes purchased by or on account of his Majesty, his Heirs and Successors, and serving in any of his Majesty's Forces, shall be and be deemed and taken to be free, to all Intents and for all Purposes whatever, in like manner in every respect as if such Negroes had been born free in any Part of his Majesty's Dominions; and such Negroes shall also to all Intents and Purposes whatever be considered as Soldiers having voluntarily enlisted in his Majesty's Service. s. 142. (See title SLAVE TRADE).

Negroes purchased, and serving in the forces, shall be deemed free.

Provided always, that nothing in this Act contained as to enlisting for any limited Periods of Service, or contained in any other Act as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged after certain Periods of Service, shall extend or be deemed or construed in any manner to extend to any Negroes purchased by or on account of his Majesty, his Heirs and Successors, and serving in any of his Majesty's Forces. s. 143.

Certain provisions of this act not to extend to negroes purchased by or on account of his majesty.

And whereas the Officers and Soldiers of the said Troops, being taken Prisoners, are frequently sent over to Great Britain or Ireland in a very distressed condition: And whereas their Pay is not sufficient to provide them with necessary Lodgings and Accommodations; be it therefore enacted, that during the continuance of this Act it shall be lawful for the Constables and other Civil Magistrates within England, Ireland, Wales, and the Town of Berwick-upon-Tweed, to quarter and billet the Officers and Soldiers of such Troops in all such Houses as are liable by this Act to receive the Officers and Soldiers of his Majesty's other Forces; and the said Constables and other Civil Magistrates are hereby required to quarter and billet the Officers and Soldiers of such Troops in the same manner and under the same Regulations and Penalties as are directed by this Act to be observed in quartering and billeting the Officers and Soldiers of his Majesty's other Forces; and all Persons on whom the Officers and Soldiers of the said Troops shall be legally quartered, refusing to receive and provide for them as is directed

Officers and soldiers of such troops sent over to Great Britain or Ireland, to be quartered and billeted as his majesty's other forces.

for the Officers and Soldiers of his Majesty's other Forces, shall be subject to the same Penalties as in the case of his Majesty's other Forces. 59 G. 3. c. 9. s. 144.

This Act not to extend to the Militia, &c. further than is directed by the Laws relating thereto. s. 145. Militia and Fencible Men, when in actual Service, shall be regularly mustered, &c. s. 146.

In what cases  
this act shall  
extend to Jer-  
sey, Guernsey,  
&c.

This Act shall be construed to extend to the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, as to the Clauses therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny or Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial; and also to the Clauses which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of such Clothes to be changed. s. 147.

Persons taking  
a false oath  
guilty of perjury.

Any Person taking a false Oath in any case wherein an Oath is required to be taken by this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to. s. 148.

General Issue. Treble Costs. s. 149.

All Suits to be brought in some of the Courts of Record at Westminster, or in Dublin, or the Court of Session in Scotland. s. 150. In Scotland Actions shall be preferred in the Court of Session. s. 151.

Penalty on  
persons conceal-  
ing deserters.

Provided always, that if any Person shall harbour, conceal, or assist any Deserter from his Majesty's Service, knowing him to be such, the Person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction, by the Oath of one or more credible Witness or Witnesses, before any of his Majesty's Justices of the Peace, the said Penalty of Twenty Pounds shall be levied, by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the



Agent of the Regiment or Corps to which any such Deserter did belong, and shall be credited by such Agent in his public Accounts; and a Report of the Penalty being adjudged shall be made to the Secretary at War by the Justice of the Peace by whom the same shall have been imposed; and in case any such Offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such Deserter, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty awarded against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such case such Justice of the Peace shall and may by Warrant under his Hand and Seal, commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the space of Six Months: Provided also, that if any Person shall knowingly detain, buy, or exchange, or otherwise receive from any Soldier or Deserter, or any other Person, upon any account or pretence whatsoever, any Arms, Clothes, Caps, or other Furniture belonging to the King, or any Meat, Drink, Beer, or other Provision provided under any Regulations relating thereto, or any such Articles belonging to any Soldier or Deserter as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cause the Colour of any such Clothes to be changed, the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; or if any Person shall buy or receive any Oats, Hay, Straw, or other Forage provided for the use of any Horse or Horses belonging to his Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; and upon Conviction, by the Oath of one or more credible Witness or Witnesses, before any of his Majesty's Justices of the Peace, the said respective Penalties of Five Pounds, and Five Pounds, shall be levied, by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender, one Moiety of the said first-mentioned Penalty of Five Pounds to be paid to the Informer, and one Moiety of the said last-mentioned Penalty of Five Pounds to be paid to the Informer, and the Residue of the said respective Penalties to be paid to the Agent of the Regiment or Corps to which any such Deserter or Soldier did belong, who

Penalty on persons receiving any arms, clothes &c. of soldiers or deserters, &c.

and on persons buying oats, hay, or forage provided for his majesty's service.

shall report the same to the Secretary at War, and credit the same in his public Accounts; and in case any such Offender, who shall be convicted as aforesaid of having knowingly received any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Meat, Drink, Beer, or other Provisions, or any such Articles generally deemed Regimental Necessaries, or of having caused the Colour of such Clothes to be changed, or of having bought or received any Oats, Hay, Straw, or other Forage provided for the use of any Horse or Horses belonging to his Majesty's Service, from any Dragoon or other Soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any Dragoon or other Soldier, knowing him to be such, to sell or otherwise dispose of any such Oats, Hay, Straw, or other Forage as aforesaid, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties upon such Conviction, or give sufficient Security for Payment thereof within the space of Four Days from such Conviction, then and in such case such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the space of Three Months, or cause such Offender to be publicly or privately whipped (1), at the Discretion of such Justice. 59 G. 3. c. 9. s. 152.

Penalties on  
persons per-  
suading soldiers  
to desert.

If any person or persons shall, in any part of his Majesty's Dominions, directly or indirectly persuade or procure any Soldier or Soldiers in the Service of his Majesty, his Heirs or Successors, to desert or leave such Service as aforesaid, every such person or persons so offending as aforesaid, and being thereof lawfully convicted, shall for every such Offence forfeit to his Majesty, his Heirs or Successors, or to any other person or persons who shall sue for the same, the Sum of One hundred Pounds; and if it shall happen that any such Offender so convicted as aforesaid hath not any Goods and Chattels, Lands or Tenements, to the Value of One hundred Pounds, to pay and satisfy the same, or if from the Circumstances and Heinousness of the Crime, it shall appear to the Court before which the said Conviction shall be made as aforesaid, that any such Forfeiture is not a sufficient Punishment for such Offence, it shall be lawful for such Court to commit any such Offender to Prison, there to remain for any time not exceeding Twelve Months, without Bail or Mainprize,

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(1) See title WHIPPING.

and also to stand in the Pillory (1) for the Space of One Hour in some Market Town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market Town itself where the said Offence was committed. s. 153.

All Penalties by this Act imposed, for persuading or procuring any Soldier to desert within that Part of Great Britain called England, may and shall be sued for and be recoverable in any of his Majesty's Courts of Record at Westminster; and for such like Offences as shall be committed in that Part of Great Britain called Scotland, shall be sued for and recoverable in his Majesty's Courts of Exchequer in Scotland; and for such like Offences as shall be committed in Ireland, shall be sued for and recoverable in any of his Majesty's Courts of Record in Dublin; and for any such like Offences as shall be committed in any other of the Dominions of his Majesty, shall and may be sued for and be recoverable in any Court of Record of his Majesty in the Place where the Offence shall have been committed; and for such like Offence as shall have been committed within the Island of Guernsey, the same shall be sued for and be recoverable in the Royal Court of Guernsey; and for such Offences as shall be committed within the Island of Jersey, the same shall be sued for and be recoverable in the Royal Court of Jersey; any thing contained in an Act passed in the First Year of King George the First to the contrary thereof in anywise notwithstanding. s. 154.

Manner of suing for penalties against persons inducing soldiers to desert.

For such of the said Offences as shall be committed within that Part of the United Kingdom called Ireland, the Penalties herein enacted shall be sued for and be recoverable in any of his Majesty's Courts of Record in Dublin; and for such of the said Offences as shall be committed within the Isles of Alderney and Sark, the Penalties herein enacted shall be sued for and be recoverable in the Royal Court of Guernsey; and for such of the said Offences as shall be committed within the Isle of Man, the Penalties herein enacted shall be sued for and be recoverable in any of the Courts of Record in the said Island, or in any of his Majesty's Courts of Record at Westminster. s. 155.

Penalties for such offences where to be sued for.

No Action shall be brought, or Prosecution carried on by virtue of this Act, for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed. s. 156.

Limitation of actions.

And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts of Parliament made in Great Britain and Ireland respectively for

Offences against former mutiny acts punishable by this act.

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(1) See title PILLORY.

punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, be it further enacted, that all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, shall and may, during the Continuance of this Act, be inquired of, heard, tried, and determined, adjudged and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this Act may be inquired of, heard, tried, determined, adjudged and punished; and every Warrant for holding any Court-martial under any former Act shall remain in full force, notwithstanding the expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the expiration of the same, but it shall be lawful to proceed to Judgment upon any such Trial, and to carry such Judgment into execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act. 59 G. 3. c. 9. s. 157.

None liable to be tried, &c. for offences against former acts committed three years before issuing the warrant for trial, &c.

Provided always, that no person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period; in which case such Person shall be liable to be tried at any time not exceeding Two Years after the Impediment shall have ceased. s. 158.

Form of Summary Convictions under this Act. s. 159.

Continuance of act.

This Act shall be and continue in force within Great Britain from the 24th March 1819, until the 25th March 1820; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the Islands thereto belonging, from the 1st April 1819, until the 1st April 1820; and shall be and continue in force within the Garrison of Gibraltar, and in Spain and Portugal, from the 25th June 1819, until the 25th June 1820; and shall be and continue in force in all other parts of Europe where his Majesty's Forces may be serving, and in the West Indies and America, from the 25th July 1819, to the 25th July 1820; and shall be and continue in force within the Cape of Good Hope, the Isle of France and Bourbon, and

Islands thereto belonging, Saint Helena and the Western Coast of Africa, from the 25th October 1819, to the 25th October 1820; and shall be and continue in force in all other places from the 25th November 1820 (1), to the 25th November 1821. (2)

Schedule (A.)

*Form of Oath.*

I do make Oath, That I am or have been (*as the case may be*) [*state occupation if any, or state if none,*] and to the best of my knowledge and belief was born in [*state County, Parish, Place, &c.*] and that I am of the Age of Years; that I do not belong to the Militia, or to any other Regiment, or to his Majesty's Navy or Marines; and that I will serve his Majesty, his Heirs and Successors, for the Period of [*This blank to be filled up by the Magistrate with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards; but if under Eighteen Years, then the difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the case may be*] Years, provided his Majesty should for so long require my Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of his Majesty: Provided always, that in the latter case the said additional period shall determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any Definitive Treaty, shall have elapsed subsequent to the expiration of the said [*Seven, Ten, or Twelve, as the case may be*] Years.

Schedule (B.)

*Form of Oath.*

I do make Oath, That I am, or have been (*as the case may be*) [*state occupation if any, or state if of none*], and to the best of my knowledge and belief was born in [*state County, Parish, Place, &c.*], and that I am of the Age of Years; that I do not belong to the Militia, or any other Regiment, or to his Majesty's Navy or Marines; and that I will serve his Majesty, his Heirs and Successors, until I shall be legally discharged.

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(1) Quære 1819. } See the Continuance of the Royal Marine  
 (2) Quære 1820. } Mutiny Act, cap. 10. post.

***Soldiers. I.***

### Schedule (C.)

***Form of Justice's Certificate.***

I    one of his Majesty's Justices of the Peace of  
  (or Chief Magistrate of    ) do

hereby certify, that    appearing to be  
Years old    Feet    Inches high,    Com-  
plexion,    Eyes,    Hair, came before me at  
                                        on the    day of    One thousand  
eight hundred and    , and stated himself to be of the  
Age of    Years, and that he had no Rupture, and  
was not troubled with Fits, and was no ways disabled by Lame-  
ness, Deafness, or otherwise, but had the perfect use of his  
Limbs and Hearing, and was not an Apprentice; and acknow-  
ledged that he had voluntarily enlisted himself for the Bounty  
of    to serve his Majesty King George the  
Third, his Heirs and Successors, in the    Regiment  
of    commanded by    and did engage to  
serve for the period of    [This blank to be filled up  
*by the Magistrates with Seven Years for Infantry, Ten Years  
for Cavalry, and Twelve Years for the Artillery, if the person  
enlisting is of the Age of Eighteen Years or upwards; but if  
under Eighteen Years, then the difference between his Age and  
Eighteen to be added to such Seven, Ten, or Twelve Years, as  
the case may be*] Years, provided his Majesty should for so long  
require his Service, and also for such further period as his  
Majesty shall please to direct, not to exceed in any case Three  
Years, and to determine whenever Six Months shall have  
elapsed of continued Peace subsequent to the expiration of the  
Term of [*Seven, or Ten, or Twelve*] Years. And I do hereby  
certify, that in my Presence the Third and Fourth Articles of  
the Second Section, and the First Article of the Sixth Section  
of the Articles of War against Mutiny and Desertion, were  
read over to him, and that he took the Oath of Fidelity men-  
tioned in the said Articles of War, and also the Oath above set  
forth, and that he received the Sum of    on being  
attested, and that I have given to the said    a Du-  
uplicate of this Certificate, signed with my Name.

### Schedule (D.)

### *Form of Justice's Certificate.*

I                      one of his Majesty's Justices of the Peace of  
                        (or Chief Magistrate of                      ) do  
hereby certify, that                      appearing to be                      Years old,



Feet                      Inches high,                      Complexion,  
 Eyes,                      Hair, came before me at                      on the  
                                  day of                      One thousand eight hundred and  
                                  and stated himself to be of the Age of  
 Years, and that he had no Rupture, and was not troubled with  
 Fits, and was no ways disabled by Lameness, Deafness, or other-  
 wise, but had the perfect use of his Limbs and Hearing, and  
 was not an Apprentice; and acknowledged that he had volun-  
 tarily enlisted himself for the Bounty of                      to serve  
 his Majesty King George the Third, his Heirs and Successors,  
 in the                      Regiment of                      commanded by  
 until he should be legally discharged: And I do hereby certify,  
 that in my Presence the Third and Fourth Articles of the Se-  
 cond Section, and the First Article of the Sixth Section of the  
 Articles of War against Mutiny and Desertion, were read over  
 to him, and that he took the Oath of Fidelity mentioned in the  
 said Articles of War, and also the Oath to the effect above set  
 forth, and that he received the Sum of                      on being  
 attested, and that I have given to the said                      a Dupli-  
 cate of this Certificate, signed with my Name.

Schedule (K.)

*Form of Master's Oath.*

I                      of                      do make Oath, that I am  
 by Trade a                      and that                      was bound to  
 serve as an Apprentice to me in the said Trade, by Indenture  
 dated the                      Day of                      for the Term of  
                                  Years; and that the said                      did on or about  
 the                      Day of                      abscond and quit  
 my Service without my Consent: and that to the best of my  
 Knowledge and Belief the said                      is aged about  
 Years. Witness my Hand, at                      the                      Day of  
 One thousand eight hundred and  
 Sworn before me at                      this  
                                  Day of                      One thousand eight }  
                                  hundred and

Schedule (L.)

*Form of Justice's Certificate.*

To wit. } I                      one of his Majesty's Justices of the  
                                  Peace                      of                      certify, that                      of  
 came before me at                      the                      Day of  
 One thousand eight hundred and                      and made Oath



cause, or join in any Mutiny or Sedition in the Company to which he doth or shall belong, or in any other Company, Troop, or Regiment, either of Marine or Land Forces, in his Majesty's Service; or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any such Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer; or shall desert his Majesty's Service; or being actually entered as a Marine in any Company, shall list himself in any other Company, Troop, or Regiment, or enter as a Seaman in his Majesty's Service, without first having a Discharge in Writing from the Officer Commanding in Chief the Company in which he last served as a Marine, in which case he shall be reputed a Deserter; or shall be found sleeping upon his Post, or shall leave it before relieved; or shall hold Correspondence with any Rebel or Enemy of his Majesty, or give them Advice or Intelligence of any kind, by any ways or means, or in any manner whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them without his Majesty's Licence, or Licence of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or Three or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being; or shall strike or use any Violence against his Superior Officer being in the Execution of his Office; or shall disobey any lawful Command of his Superior Officer; all and every person and persons so offending in any or either of the matters before mentioned on Shore in any part of this Kingdom, or in any other of his Majesty's Dominions, or in Foreign Parts, or on board any Transport Ship or Merchant Ship or Vessel, or any Ship or Vessel of his Majesty not being in Commission, or any Convict Hulk or Ship, shall suffer Death or such other Punishment as by a Court-martial shall be inflicted.

who shall mutiny or desert, &c. or excite any mutiny, &c.

or list in any other regiment, &c.

or shall be found sleeping on or shall desert his post, &c. or hold correspondence with any rebel or enemy,

or shall strike or disobey his superior officer; shall suffer death or such punishment as a court-martial shall inflict.

s. 1.

It shall and may from time to time, during the Continuance of this Act, be lawful to and for the said Lord High Admiral, or Three or more of the said Commissioners for executing the said Office of Lord High Admiral for the time being, to grant a Commission, under his or their respective Hand or Hands, to any Officer of Royal Marines in his Majesty's Service, not under the Degree of a Field Officer, for the holding a General Court-martial at any Place or Places, on Shore, in this Kingdom, or in any other of his Majesty's Dominions; in every of which Courts-martial all or any of the Of-

The admiralty may grant a commission for holding a general court-martial, &c.

fences aforesaid, and all or any other of the Offences herein-after specified, shall be tried and proceeded against in such Manner as by this Act is directed. 59 G. 3. c. 10. s. 2.

Courts-martial may inflict corporal punishment for immoralities, &c.

It shall and may be lawful to and for such Courts-martial respectively, by their Sentence or Judgment, to inflict Corporal Punishment, not extending to Life or Limb, on any Marine for Immorality, Misbehaviour, or Neglect of Duty, on Shore, in any Place or Places within this Kingdom, or in any other of his Majesty's Dominions, or in Transports or Merchant Ships or Vessels, or any Ship or Vessel of his Majesty not being in Commission, or any Convict Hulk or Ship, during the Continuance of this Act. s. 3.

Admiralty empowered to make articles for punishment of mutiny and desertion, &c.

It shall and may be lawful to and for the said Lord High Admiral, or Three or more of the Commissioners for executing the Office of Lord High Admiral, at any time during the Continuance of this Act, to make and establish Rules and Articles in Writing under his or their respective Hand or Hands; which Articles shall be judicially taken notice of by all the Judges, and in all Courts whatsoever for the Punishment of Mutiny and Desertion, Immorality, Misbehaviour, and Neglect of Duty, in any of his Majesty's Royal Marine Forces while on Shore in any Part of this Kingdom, or in any other of his Majesty's Dominions, or in Foreign Parts, or in Transport or Merchant Ships or Vessels, or any Ship or Vessel of his Majesty, not being in Commission, or any Convict Hulk or Ship, and for bringing Offenders against the same to Justice; and to erect and constitute Courts-martial, with power to try, hear, and determine any Crimes or Offences specified in such Rules and Articles, and inflict Punishments by Sentence or Judgment for the same, according to the true intent and meaning of this Act; and all such Articles of War shall from time to time, as soon after the same shall have been established as the same can be done, be transmitted by the Secretary of the Admiralty for the time being to the Judges of his Majesty's Courts at Westminster and Dublin and into Scotland respectively. s. 4.

and to constitute courts-martial.

Punishment shall be only according to this act.

Provided always, that no person or persons shall be adjudged to suffer any Punishment extending to Life or Limb by the said Rules or Articles, within this Kingdom, except for such Crime or Crimes as is or are expressed to be so punishable by this Act. s. 5. See s. 38. of 59 G. 3. c. 9.

Oaths to be taken by members of divisional courts-martial, &c.

Provided also, and be it further enacted, that in all Trials by any Divisional or Detachment Courts-martial which shall be held by virtue of this Act, or of any Articles of War established

in pursuance thereof, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the Oaths herein-after mentioned upon the Holy Evangelists, (which Oaths shall and may be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the said Oath) ; that is to say,

“ You shall well and truly try and determine according to your Evidence in the Matter now before you. So help you God.” Oaths.

“ I, A. B., do swear, that I will truly administer Justice according to the Rules and Articles for the better Government of his Majesty’s Royal Marine Forces when on Shore, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion, and of other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise (which is not explained by the said Articles or Act of Parliament), according to my Conscience, and the best of my Understanding, and the Custom of War. So help me God.”

And the President of every such Court-martial (not being under the Rank of a Captain) shall be appointed by the Commanding Officer of the Division or Detachment directing such Court-martial; and every such Divisional or Detachment Court-martial is hereby authorized and directed to administer an Oath to every Witness that shall appear before them. s. 6.

In case of any Non-commissioned Officer or Marine tried and convicted of Desertion, whensoever the Court-martial which shall pass Sentence upon such Trial shall not think the Offence deserving of capital Punishment, such Court-martial may, instead of awarding a corporal Punishment, adjudge the Offender, if they shall think fit, to be transported as a Felon for Life, or for a certain Term of Years, according to the Degree of the Offence; and if such Non-commissioned Officer or Marine, having been adjudged to be transported as a Felon, shall afterwards (without Leave from his Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into any Part of the United Kingdom of Great Britain and Ireland before the Expiration of the Term limited by such Sentence, and shall be convicted thereof in the ordinary course of Law, he shall suffer Death. s. 7. See s. 4. of 59 G. 3. c. 9.

Deserter may be adjudged to be transported;

and returning before expiration of the term limited, he shall suffer death.

Provided always, that in all cases wherein a capital Punishment shall have been awarded by a Court-martial, it shall be

His majesty, where a capital punishment is

awarded, may  
order offenders  
to be trans-  
ported.

Court may sen-  
tence deserters  
to serve for life,  
&c.

Or order them  
to be marked  
under the left  
arm with the  
letter D.

lawful for his Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon for Life or for a certain term of Years, as to his Majesty shall seem meet; and if the person so transported in pursuance of such Order from his Majesty shall afterwards (without Leave from his Majesty, or from the Governor or Commanding Officer of the Place to which he shall have been transported) return into any Part of Great Britain or Ireland before the expiration of the Term limited by such Order, and shall be duly convicted thereof, he shall suffer Death. 59 G. 3. c. 10. s. 8. See s. 5. of 59 G. 3. c. 9.

Provided also, that if any Non-commissioned Officer or Marine so convicted of Desertion shall appear to have enlisted for a limited Term of Years, it shall be lawful for such Court to sentence any such Non-commissioned Officer or Marine so enlisted to serve for Life as a Soldier, or for any Number of Years beyond the period for which such Non-commissioned Officer or Marine shall have enlisted, or generally in any Regiment or Corps which his Majesty shall please to direct; and any Non-commissioned Officer or Marine may in any case, in addition to any Service, be further adjudged to forfeit all Benefit or Advantage as to Increase of Pay, or as to Pension or Discharge, which might otherwise have accrued to such Non-commissioned Officer or Marine from the length or nature of his Service. s. 9. See s. 6. of 59 G. 3. c. 9.

It shall be lawful for any Court-martial, before which any Non-commissioned Officer or Marine shall be tried and convicted of Desertion, to direct, if it shall so think fit, in addition to any other Punishment such Court may award for any such Desertion, that such Deserter be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than Half an Inch long, and be marked upon the Skin with Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated. s. 10. See s. 8. of 59 G. 3. c. 9.

Sentence of Transportation shall be notified by the Lord High Admiral, &c. to one of the Judges, who shall thereupon make an Order for the Transportation of such Offender. s. 11. This Clause is the same as s. 9. of 59 G. 3. c. 9. with the Exception of the necessary verbal Alterations to apply it to the Royal Marine Forces: Order to be filed in the Office of the Clerk of the Crown. s. 12. This Clause also coincides exactly with s. 10. of 59 G. 3. c. 9.: Who shall on Application deliver



a Certificate of the Conviction of such Offender. s. 13. This Clause is precisely similar to s. 11. of 59 G. 3. c. 9. Offenders under Sentence of Death, obtaining his Majesty's conditional Pardon, shall be subject to the Laws touching the Escape of Felons. s. 14. The same as s. 18. of 59 G. 3. c. 9.

And it is hereby further enacted and declared, that no General Court-martial which shall have Power to sit by virtue of this Act shall consist of a less Number than Thirteen, whereof none to be under the Degree of a Commissioned Officer; except Courts-martial to be holden on any Officer, Non-commissioned Officer or Private Marine, who may be serving on Shore in any Place beyond the Seas, and out of his Majesty's Dominions or out of the East Indies, in which cases any General Court-martial may consist of any Number not less than Seven; and the President of such Court-martial shall not be under the Degree of a Field Officer of Royal Marines, unless where such Field Officer cannot be had, in which case the Marine Officer next in Seniority to such Field Officer, not being under the Degree of a Captain, shall preside at such Court-martial; and that such Court-martial shall have full Power and Authority, and are hereby required, to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them. s. 15.

General court-martial not to consist of less than 13, except in cases where serving beyond the seas, &c.

Certain Oaths shall be taken by all Members of a General Court-martial, and the Judge Advocate shall be sworn. These Oaths are in Substance the same as those contained in 59 G. 3. c. 9. s. 28.

And no Sentence of Death shall be given against any Offender by any such General Court-martial as aforesaid, unless Nine Officers present, or where the Court-martial shall consist of Seven Members, unless Five Officers present, shall concur therein; and if there be more Officers present than Thirteen or Seven respectively, then the Judgment shall pass by the Concurrence of Two-thirds of the Officers present; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in cases which require an immediate Example: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest in like manner as Witnesses attending any of his Majesty's Courts

In sentences of death what number of officers shall concur, &c.

Hours of trial.

Witnesses during their attendance privileged from arrest.

of Law are privileged; and that if any such Witness shall be unduly arrested, he shall be discharged from such Arrest by the Court out of which the Writ or Process issued by which such Witness was arrested; or if the Court out of which the Writ or Process issued be not sitting, then by any Judge of the Court of King's Bench in London or in Dublin, or the Court of Sessions in Scotland, or Courts of Law in the West Indies, according as the case shall require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid, who shall not attend on such Court, shall be liable to be attached in the Court of King's Bench in London or Dublin, or Court of Session in Scotland, or Courts of Law in the West Indies respectively, upon Complaint made to the said Courts of King's Bench or Court of Session in Scotland, or Courts of Law in the West Indies, in like manner as if such Witness had neglected to attend on a Trial in any Criminal Proceeding in that Court. 59 G. 3. c. 10. s. 16.

Offenders convicted of Desertion may be transported for Life or a less Time, and returning therefrom shall suffer Death. s. 17. This Clause is the same as s. 4. of 59 G. 3. c. 9. with the exception of the Words necessary to adapt it to the Marine Forces.

Courts-martial  
may sentence  
offenders to im-  
prisonment, &c.

Provided always, that it shall be lawful for any General or other Court-martial to sentence any Non-commissioned Officer or Private Marine to Imprisonment in any House of Correction, Common Gaol, or Public Prison, or in any other Place which such Court may deem fit and convenient for that Purpose; and all Gaolers and Keepers of such Houses of Correction or Prisons shall receive into their Custody, and keep in Confinement for such Time as they shall be respectively required so to do, or until discharged, any Non-commissioned Officer or Private Marine who may have been sentenced to Imprisonment by any General or other Court-martial, and shall provide a proper Place for the Confinement of any such Non-commissioned Officer or Private Marine, according to the Sentence of such Court, during the Period of his Imprisonment, upon receiving an Order in Writing from the Commanding Officer of the Division at which such General or other Court-martial shall have been held; and every Gaoler and Keeper of a House of Correction or Prison, who shall refuse to receive and to confine any such

Non-commissioned Officer or Private Marine in manner as aforesaid, shall forfeit for every such Offence the Sum of One hundred Pounds, to be recovered by Action of Debt or Information for the use of his Majesty. s. 17. There is some variance in the wording of this Clause and the corresponding one (s. 25.) in 59 G. 3. c. 9.

Pay shall be forfeited during Imprisonment. s. 19. This Clause is in substance the same as s. 26. of 59 G. 3. c. 9.

The Party tried by any General Court-martial to be held as aforesaid shall be entitled to a Copy of the Sentence and Proceedings of such Courts-martial, upon Demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same), at any Time not sooner than Three Months after such Sentence, whether such Sentence be approved or not; any thing in this Act to the contrary notwithstanding. s. 20. See s. 32. of 59 G. 3. c. 9.

The party tried, entitled to a copy of the sentence and proceedings of the court-martial.

Original Proceedings, &c. of Courts-martial to be transmitted to the Secretary of the Admiralty, &c. s. 21. In substance the same as s. 33. of 59 G. 3. c. 9. None to be tried a second time for the same Offence, unless in case of Appeal; and no Sentence shall be revised more than once. s. 22. Substantially the same as s. 15. of 59 G. 3. c. 9.

And be it further enacted, that if any Officer or Private Man in any of his Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, and shall escape and come or be brought into this Realm before he be tried by a Court-martial for such Offence, and shall be apprehended for the same, such Officer or Private Man shall be tried for the same as if the same Offence had been committed within this Realm. s. 23.

Persons offending beyond sea, &c. may be tried here.

Not to exempt any on Shore from ordinary Proceedings at Law. s. 24. The same as s. 16. of 59 G. 3. c. 9. Persons acquitted, &c. by the Civil Magistrate, shall only be cashiered. s. 25. The same as s. 18. of 59 G. 3. c. 9.

Provided always, that no Officer or Marine having been convicted in the ordinary course of Law of any Criminal Offence shall, while under Confinement in consequence thereof be entitled to any Part of his Pay from the Day on which such Conviction shall have taken place, nor until the Day of his Return to the Company to which he shall belong. s. 26. See s. 19. of 59 G. 3. c. 9.

Persons convicted of criminal offences not entitled to pay.

Persons accused  
of capital crimes,  
&c. to be deli-  
vered over to  
the civil magis-  
trate, &c.

Penalty for  
refusal.

Provided also, that if any Marine Officer, Non-commissioned Officer, or Private Man shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of his Majesty's Subjects, which is punishable by the known Laws of the Land, the Commanding Officer or Officers of every Company or Party is and are hereby required to use his and their utmost Endeavours to deliver over such accused person to the Civil Magistrate, and shall be also aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial; and if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused person to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in the apprehending such Offender, every such Officer so offending, and being thereof convicted before any Two or more Justices of the Peace (1) for the County where the Fact is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in his Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial. 59 G. 3. c. 10. s. 27. See s. 17. of 59 G. 3. c. 9.

Marine Officer taking Money to excuse any person from quartering shall be cashiered, and incapable of serving in any Military Employment whatsoever. s. 34. The same as s. 61. of 59 G. 3. c. 9. Two Justices may summon Marines having Wife or Children to make Oath of their last Settlement. s. 40. The same as s. 70. of 59 G. 3. c. 9. Officers or Marines destroying the Game, &c. how punishable. s. 51. The same as s. 89. of 59 G. 3. c. 9.

Penalty on  
persons conceal-  
ing deserters, &c.

Provided always, that if any person shall harbour, conceal, or assist any Deserter from his Majesty's Royal Marine Service, knowing him to be such, the person so offending shall forfeit for every such Offence the Sum of Twenty Pounds; and upon Conviction, by the Oath of One or more credible Witness or Witnesses, before any of His Majesty's Justices of the Peace, the

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(1) [Upon any Indictment, &c. in any Court of Record, &c. See the Statute 59 G. 3. c. 9. s. 17.]

said Penalty of Twenty Pounds shall be levied, by Warrant under the Hand of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; one Moiety of the said Penalty to be paid to the Informer, and the other Moiety to be paid to the Paymaster of the Royal Marine Forces, and shall be credited by such Paymaster in his public Accounts, and a Report of the Penalty being adjudged shall be made to the Secretary of the Admiralty by the Justice of the Peace by whom the same shall have been imposed; and in case any such Offender who shall be convicted as aforesaid of harbouring, concealing, or assisting any such Deserter, shall not have sufficient Goods and Chattels whereon Distress may be made to the Value of the Penalty awarded against him or her for such Offence, or shall not pay such Penalty within Four Days after such Conviction, then and in such Case such Justice of the Peace shall and may by Warrant under his Hand and Seal commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Six Months. s. 57. See s. 152. of 59 G. 3. c. 9.

Any person taking a false Oath, in any case wherein an Oath is required to be taken by this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted, shall be liable to such Pains and Penalties as by any Laws now in force any persons convicted of wilful and corrupt Perjury are subject and liable to. s. 60. The same as s. 148. of 59 G. 3. c. 9.

False oaths  
perjury.

Penalty for persuading Marines to desert. s. 64. The same as s. 153. of 59 G. 3. c. 9. No Volunteer liable to Process unless for some criminal Matter, or unless for a Debt of £20. s. 69. The same as s. 123. of 59 G. 3. c. 9. Plaintiff giving Notice may file a common Appearance, and proceed to Judgment and Execution. s. 70. Persons making false Representations in taking the Oath marked (A.), and obtaining Bounty, shall be deemed guilty of obtaining Money under false Pretences under 30 G. 2. c. 24. s. 77. The same as sections 96 & 100 of 59 G. 3. c. 9. Persons concealing any Infirmary, shall be deemed Rogues and Vagabonds. s. 78. Master claiming Apprentices to take the Oath mentioned in Schedule (B.), &c. s. 79. See s. 101. of 59 G. 3. c. 9. Officers of the Marine and Land Forces may sit in conjunction upon Courts-martial. s. 83.

Provided always, that all his Majesty's Royal Marine Forces, as well Officers as private Men, shall from time to time, during their being respectively borne as part of the Complement of any of his Majesty's Ships or Vessels, or as Supernumeraries on board the same, be subject or liable in like manner, in all

Marine borne as  
part of the com-  
plement of any  
ship, liable to  
be governed by  
the rules esta-  
blished by  
22 G. 3.

respects, as any Officers or Seamen employed in his Majesty's Sea Service are subject and liable to be governed, and proceeded against, and punished, for Offences committed by them during the time they shall be borne as part of the Complement of such Ships or Vessels, or as Supernumeraries on board the same, according to the Purport, Tenor, Effect, and true Intent and Meaning of an Act of Parliament made in the Twenty-second Year of the Reign of his late Majesty King George the Second, [22 G. 2. c. 23.]; this present Act or any thing herein contained notwithstanding. 59 G. 3. c. 10. s. 84.

Persons employed in the commissariat department, embezzling stores, may be tried by a court-martial, &c.

Every Commissioned Officer, Storekeeper, or Commissary, or Deputy or Assistant Commissary, or other person employed in the Commissariat Department, or in any manner in the care or distribution of any Money, Provisions, Forage, or Stores belonging to his Majesty's Royal Marine Forces, or for their use, that shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a General Court-martial; and it shall be lawful for such Court-martial to adjudge any such person to be transported as a Felon for Life, or for any certain Term of Years, or to suffer such Punishment of Pillory (1), Fine, Imprisonment, Dismissal from his Majesty's Service, and be incapable of serving his Majesty in any Office, Civil or Military, as any such Court shall think fit, according to the nature and degree of the Offence, or that such person shall forfeit Two hundred Pounds; and that such person shall, in addition to any other Punishment, make good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have power to seize the Goods and Chattels of the person so offending, and sell them for the Payment of the said Two hundred Pounds, and such Damage; and if sufficient Goods and Chattels cannot be found and seized, then the person so offending shall be committed to Prison, or the Common Gaol, there to remain (in addition to any other Punishment or Imprisonment) for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as his Majesty shall direct and appoint. s. 85. See s. 128. of 59 G. 3. c. 9.

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(1) See title PILLORY.



This Act and every thing herein contained shall be and continue in force within Great Britain from the said 25th March 1819 until the 25th March 1820; in Ireland from 1st April 1819 until 1st April 1820; at Gibraltar, Spain, or Portugal, from 25th May 1819 'til 25th May 1820; in all other parts of Europe where Royal Marine Forces may be serving, and in the West Indies, North America, and Cape of Good Hope, from 25th July 1819 'til 25th July 1820; and in all other Places from 25th September 1819 'til 25th September 1820.

Continuance of this act.

The above Act contains also the usual Power of quartering Officers and Men in Inns, &c. and providing Carriages for them in their Marches, and as to the apprehending of Deserters, &c. similar to those in the foregoing Statute 59 G. 3. c. 9., and which it has not been thought necessary again to introduce. The two Acts have, however, been collated together, and the points of agreement and variance between them noticed.

*II. The Offence of any British Subject enlisting into Foreign Service, or accepting any Military Commission therein, and of Papists enlisting into the British Service without declaring their Religion.*

If any Subject of the Crown of Great Britain shall, within the Kingdom of Great Britain or Ireland or without the same, enlist or enter himself, or if any person procure any Subject of his Majesty, his Heirs or Successors, to enlist or enter himself, or hire or retain any person, being a Subject of his Majesty, his Heirs or Successors, to go beyond the Seas or embark with an intent and in order to be enlisted to serve any Foreign Prince, State, or Potentate, as a Soldier, without leave or licence of his Majesty, his Heirs or Successors, first had and obtained, for enlisting any of the Subjects of his Majesty, his Heirs or Successors, to serve any such Foreign Prince, State, or Potentate as Soldiers, under the Sign Manual of his Majesty, his Heirs or Successors, every such person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged to be guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy. 9 G. 2. c. 30. s. 1.

Persons enlisting in foreign service, or enticing others so to do, shall be guilty of felony without clergy.

Offences against this Act committed out of the Realm, the same may be alledged to be committed, and may be laid, enquired of, and tried in any County in England. s. 2.

Offences may be tried in any county of England.

In case any person so enlisted, or inveigled or enticed to go beyond the Seas in order to be enlisted as a Non-commissioned

Person inveigled making discovery indemnified.

Officer or Private Soldier in any Foreign Service, without his Majesty's Licence first had and obtained as aforesaid, shall, within Fourteen Days after such enlisting or Agreement to go beyond the Sea, voluntarily discover upon Oath before any of his Majesty's Justices of the Peace, or other Civil Magistrate, the person or persons by whom he was so enlisted, inveigled, or enticed as aforesaid, so as he or they may be apprehended and convicted of the said Offence, such person or persons so discovering as aforesaid shall be indemnified from the Penalty inflicted by this Act, and all other Penalties whatsoever, on account of the said Offence. s. 3.

The Statute 29 G. 2. c. 17. s. 4. recites that "a practice has been introduced in order to evade and elude the provisions made by 9 G. 2. c. 30. by hiring, retaining, or procuring his Majesty's Subjects to go beyond the Seas or embark with an intent upon their Arrival abroad to enlist and enter themselves to serve as Soldiers in Foreign Service, without actually giving them any enlisting Money at the time of their so procuring them to go abroad with the intent aforesaid," and that "a Doubt has arose whether the so hiring, retaining, or procuring his Majesty's Subjects with intent to embark and go beyond the Seas, to be enlisted when abroad to serve as Soldiers in Foreign Service, without actually paying to such persons, and their receiving enlisting Money here from the persons so hiring, retaining, or procuring, be an enlisting within the meaning and intention of the said Act (9 G. 2.), so as to make such person liable to the Provisions and Penalties of the said Act;" and then "for removing the said Doubt, and for the more effectually preventing a practice so highly detrimental to this Kingdom," it is declared and enacted, that if any Subject of the Crown of Great Britain shall engage, contract, or agree, within the Kingdom of Great Britain or Ireland, to go beyond the Seas or embark with an intent and in order to enlist and enter himself to serve as a Soldier in any Foreign Service, though no enlisting Money be actually paid to or received by him; or if any person shall hire, retain, engage, or procure any Subject of his Majesty, his Heirs or Successors, though no enlisting Money hath been or shall be actually paid to or received by him, to agree to go beyond the Seas or embark with an intent and in order to be enlisted to serve any Foreign Prince, State, or Potentate as a Soldier, without leave or licence of his Majesty, his Heirs or Successors, first had and obtained for that purpose; every such person so offending, being thereof lawfully convicted, shall be adjudged to be

Subjects contracting, &c. to enlist in foreign service, and persons engaging them (though no enlisting money is paid) shall be guilty of felony without clergy.

guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy.

The first Section of the same Statute, 29 G. 2. c. 17. recites that “divers of his Majesty’s Subjects have been induced to serve as Officers under the French King, which practice is highly to the dishonour and is greatly prejudicial to the safety and welfare of this Kingdom;” and then “for remedy thereof,” enacts, that if any Subject of the Crown of Great Britain, from and after 1st May 1756, shall take or accept of any Military Commission, or otherwise enter into the Military Service of the French King as a Commissioned or Non-commissioned Officer, without leave or licence of his Majesty, his Heirs or Successors, first had and obtained for that purpose, under the Sign Manual of his Majesty, his Heirs or Successors, every such person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged to be guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy.

Persons accepting military commissions in the French king’s service shall be guilty of felony without clergy.

Any Person or Persons having professed the Popish Religion who [since 1st February 1715] have been enlisted in his Majesty’s Troops, and who shall not [after 1st June 1716] in Great Britain or Ireland, or in the Isles of Guernsey or Jersey, produce a Testimonial of his having publicly renounced the same, or shall not at the time of his enlisting, declare to the Officer or Soldier who so enlisteth him, that he hath been or at present is of the Popish Religion, shall in such case be liable to and receive such Corporal Punishment, not extending to Loss of Life, as a Court-martial shall inflict for the same, who are hereby empowered so to do. 1 G. 1. st. 2. c. 47. s. 3.

Penalty on papists enlisting without renouncing their religion, or declaring their religion.

III. *Personating any Officer or Soldier entitled to any Wages, &c. or forging certain Instruments relating to such Persons, or taking a false Oath to procure Probate of the Will of any such Person.*

The Statute 54 G. 3. c. 86. for regulating the Payment of Army Prize Money, recites (by s. 1.) the Stats. 45 G. 3. c. 72.—49 G. 3. c. 123.—51 G. 3. c. 104.—52 G. 3. c. 132. and 53 G. 3. c. 163. and repeals so much of those Acts as relates to Prize and other Monies due and payable to the Land Forces, except so much [s. 15, 16, 17.] of 52 G. 3. as relates to the Payment of Widows Pensions; and then enacts (s. 43.) that from and after the passing of this Act, whosoever willingly and knowingly shall personate or falsely assume the Name or Character of, or procure any other to personate or falsely to assume the Name or Character

Person forging, &c. powers, last wills, &c. to receive wages or prize money of officers, soldiers, or others in the army, or uttering same, or taking false oath to obtain probates, &c. ousted of clergy.

of any Officer, Soldier, or other Person entitled or supposed to be entitled to any Wages, Pay, or other Allowances of Money or Prize Money for Service done in his Majesty's Army, or the Executor or Administrator, Wife, Relation or Creditor of any such Officer, Soldier, or other Person, in order to receive any Wages, Pay, or other Allowances of Money or Prize Money, due or supposed to be due or payable for or on account of the Services of any such Officer or Soldier or other Person as aforesaid; or shall forge or counterfeit, or procure to be forged or counterfeited, or aid or assist in forging or counterfeiting, any Letter of Attorney, Bill, Ticket, Order, Certificate, Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any such Wages, Pay, or other Allowances of Money or Prize Money, which shall be due or be supposed to be due to any such Officer or Soldier, or other Person as aforesaid; or shall willingly and knowingly take a false Oath, or procure any other Person to take a false Oath, to obtain the Probate of any Will or Wills, or to obtain Letters of Administration, in order to receive the Payment of any Wages, Pay, or other Allowances of Money or Prize Money which shall be due or be supposed to be due to any such Officer, Soldier, or other Person as aforesaid, who shall have really served or shall be supposed to have served in his Majesty's Army; or if any Person shall, from and after the passing of this Act, utter or publish as true, or shall aid or assist in uttering or publishing as true, or shall cause or procure to be uttered or published as true, any false, forged, or counterfeited Letter of Attorney, Bill, Ticket, Order, Certificate, or Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any Wages, Pay, or other Allowances of Money or Prize Money, due or supposed to be due to any Officer or Soldier, or other Person who shall have really served, or shall be supposed to have served, or shall hereafter serve or be supposed to have served in his Majesty's Army, with intent to defraud any Person or Corporation whatsoever, knowing the same to be false, forged, or counterfeited; every such Person being thereof lawfully convicted, shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

## Statutes.

The Statute 41 G. 3. (U. K.) c. 90. s. 9. reciting that "for the better and more effectual proof of the Statute Law of the Kingdoms of Great Britain and Ireland, and of England and Ireland previous to the Union of the said Kingdoms, in all Courts of Civil and Criminal Jurisprudence in every part of the said United Kingdom," enacts, that the Copy of the Statutes of the Kingdom of England, and of the Kingdom of Great Britain since the Union with Scotland, printed and published by the Printer duly authorized to print and publish the same by his Majesty, or by any of his Royal Predecessors, shall be received as conclusive Evidence of the several Statutes made and enacted prior to the Union of the Kingdoms of Great Britain and Ireland, by the Parliaments of England and Great Britain respectively, in all Suits, Actions, or Prosecutions respectively commenced, instituted, or carried on, or to be commenced, instituted, or carried on, in any Court of Civil or Criminal Jurisdiction in that part of the United Kingdom called Ireland; and in like manner the Copy of the Statutes of the Kingdom of Ireland made and enacted by the Parliament of the same prior to the Union of the Kingdoms of Great Britain and Ireland, and printed and published by the Printer duly authorized by his Majesty, or any of his Royal Predecessors, to print and publish the same, shall be received as conclusive Evidence of the several Statutes made and enacted by the Parliament of Ireland prior to the Union of the Kingdoms of Great Britain and Ireland, in all Suits, Actions, or Prosecutions respectively commenced, instituted, or carried on, or to be commenced, instituted, or carried on, in any Court of Civil or Criminal Jurisdiction in that part of the United Kingdom called Great Britain.

The statutes of England and of Great Britain, printed and published by the King's printer, shall be received as evidence in all courts in Ireland; and the statutes of Ireland prior to the Union, so printed and published, shall be evidence in all courts in Great Britain.

The Eighth Article of the Act for the Union of Great Britain and Ireland (39, 40 G. 3. c. 67.) directs that all Laws in force at the time of the Union, and all the Courts of Civil and Ecclesiastical Jurisdiction within the respective Kingdoms, shall remain as by Law now established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require: Provided that all Writs of Error and Appeals depending at the time of the Union, or hereafter to be brought, and which might now be finally decided by the House of Lords of either Kingdom, shall from and after the Union be finally decided by the House of Lords of the United Kingdom.

All laws in force at the Union, and all civil and ecclesiastical courts shall remain as now established, subject to alterations by the united parliament.

All appeals and writs of error shall be decided by the House of Lords of the United Kingdom.

## **Stolen Goods (HELPING TO).**

[And see LARCENY, XXIII.]

Persons taking money or reward to help to stolen goods declared guilty of felony, and shall suffer the same punishment as the person committing the felony is liable to.

Whereas there are several persons who have secret Acquaintance with Felons, and who make it their Business to help persons to their stolen Goods, and by that means gain Money from them, which is divided between them and the Felon, whereby they greatly encourage such Offenders; be it therefore enacted, that wherever any person taketh Money or Reward, directly or indirectly, under pretence or upon account of helping any person or persons to any stolen Goods or Chattels, every such person so taking Money or Reward as aforesaid (unless such person doth apprehend or cause to be apprehended such Felon who stole the same, and cause such Felon to be brought to his Trial for the same, and give Evidence against him), shall be guilty of Felony, and suffer the Pains and Penalties of Felony, according to the nature of the Felony committed in stealing such Goods, and in such and the same manner as if such Offender had himself stole such Goods and Chattels in the manner and with such circumstances as the same were stolen. 4 G. 1. c. 11. s. 4.

This Act shall extend to all his Majesty's Dominions in America. s. 9.

A Reward of Forty Pounds is by 6 G. 1. c. 23. s. 9. given to the Prosecutor to Conviction of persons guilty of the above Offence. See Title REWARDS.

## **Subpoena.**

Service of subpoena in any part of the United Kingdom valid as to appearance in any other part.

The Statute 45 G. 3. c. 92. (s. 3.) reciting that it is fit to provide for the Appearance of Persons to answer in cases where Warrants are not usually issued, and to give Evidence in Criminal Prosecutions in every part of the United Kingdom, enacts, that the service of every Writ of Subpoena, or other Process, upon any person in any one of the parts of the United Kingdom, requiring the Appearance of such Person to answer or give Evidence in any Criminal Prosecution in any other of the parts of the same, shall be as good and effectual in Law as if the same had been served in that part of the United Kingdom where the person so served is required to appear; and in case such person so served shall not appear according to the exigence of such Writ or Process, it shall be lawful for the Court out of which the same issued, upon Proof made of the Service thereof to the satisfaction of the said Court, to transmit a Certificate of



such Default under the Seal of the same Court, or under the Hand of one of the Judges or Justices of the same, to the Court of King's Bench in England in case such Service was had in England, or in case such Service was had in Scotland, to the Court of Justiciary in Scotland, or in case such Service was had in Ireland, to the Court of King's Bench in Ireland; and the said last mentioned Courts respectively shall and may thereupon proceed against and punish the Person so having made default, in like manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna or other Process issued out of such last mentioned Courts respectively.

Provided always, that none of such last mentioned Courts shall in any case proceed against or punish any Person for having made default by not appearing to give Evidence in obedience to any Writ of Subpœna or other Process for that purpose, unless it shall be made to appear to such Court that a reasonable and sufficient Sum of Money to defray the Expences of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the time when such Writ of Subpœna or other Process was served upon such Person. s. 4.

Expence of attendance on subpœnas shall be tendered at the time of service.

## **Succession to the Crown.**

The Stat. 1 W. & M. st. 2. c. 2. reciting, that whereas it hath been found by Experience, that it is inconsistent with the Safety and Welfare of this Protestant Kingdom to be governed by a Popish Prince or by any King or Queen marrying a Papist, enacts that all and every Person and Persons that is, are, or shall be reconciled to or shall hold Communion with the See or Church of Rome, or shall profess the Popish Religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and Government of this Realm and Ireland, and the Dominions thereunto belonging, or any Part of the same, or to have, use, or exercise any Regal Power, Authority, or Jurisdiction within the same; and in all and every such Case or Cases the People of these Realms shall be and are hereby absolved of their Allegiance, and the said Crown and Government shall from time to time descend to and be enjoyed by such Person or Persons, being Protestants, as should have inherited and enjoyed the same in case the said Person or Persons so reconciled, holding Communion, or professing or marrying as aforesaid, were naturally dead. s. 2.

Papists, or persons marrying papists, or persons holding communion with the see of Rome, shall not be capable of inheriting or possessing the crown of this realm.

## Surgeons.

Surgeons and barber surgeons of London exempted from parish offices and juries.

Be it enacted, that your Majesty's Supplicants [the Wardens and Fellowship of the Craft and Mystery of Surgeons enfranchised in the City of London] be discharged and not chargeable of Constableness, Watch, and of all Manner of Office bearing any Armour, and also of all Inquests and Juries within the City of London; and that this Act in all things do extend to Barber Surgeons admitted and approved to exercise the Mystery of Surgeons, so that they exceed not or be at one time above the Number of Twelve Persons. 5 H. 8. c. 6.

## Swans.

Who shall be qualified to keep swans.

Swans kept by unqualified persons may be seized by any qualified person.

The penalty for taking the eggs of swans, or destroying them in the nest.

Item, Where as well our said Sovereign Lord the King as other Lords, Knights, Esquires, and other Noble Men of this Realm of England, have been heretofore greatly stored of Marks and Games of Swans in divers Parts of this Realm of England, until of late that divers Keepers of Swans have bought and made to them Marks and Games in the Fens and Marshes, and other Places, and under Colour of the same, and of surveying and search for Swans and Cygnets for their Lords and Masters, have stolen Cygnets, and put upon them their own Mark, by which unlawful Means the Substance of the Swans be in the Hands and Possession of Yeomen and Husbandmen, and other Persons of little Reputation; whereof it is ordained, that no person of what Estate, Degree, or Condition he be (other than the Son of our Sovereign Lord the King,) shall have or possess any such Mark or Game of his own, or any other to his use shall have or possess any such Mark or Game, except he have Lands and Tenements of the Estate of Freehold, to the yearly Value of Five Marks above all yearly Charges; and if it happen any Person or Persons not having any Possession of Lands or Tenements to the said yearly Value, or any other to have or possess Lands to his or their Uses, to have or possess any such Mark or Game after the said Feast, that then it shall be lawful to any of the King's Subjects having Lands or Tenements to the said Value to seize the said Swans as forfeit, whereof the King shall have one Half, and he that shall seize the other Half. 22 Ed. 4. c. 6.

The Statute 11 H. 7. c. 17. punished the Offence of taking the Eggs of Swans out of the Nest with Imprisonment for a Year and a Day, and Fine at the King's Will; but the subsequent Statute of 1 Jac. 1. c. 27. s. 2. enables Two Justices of the

Peace summarily to punish. Persons who shall take the Eggs of Swans out of the Nest, or destroy the same in the Nest, being convicted by the Evidence of Two Witnesses, with Three Months Imprisonment, unless the Offender shall forthwith upon Conviction pay to the Churchwardens of the Parish where the Offence was committed, or the Party apprehended, to the Use of the Poor, 20s. for every Egg, or within one Month after Commitment, become bound by Recognizance with two Sureties not to offend again in the Premises.

## **Swearing.**

This Act (for the more effectual preventing profane cursing and swearing) shall be publicly read Four several times in the Year, in all Parish Churches and all public Chapels, by the Parson, Vicar, or Curate of the respective Parishes or Chapels, immediately after Morning Prayer, on Four several Sundays, that is to say, the Sunday next after the 24th June, the 29th of September, the 25th of December, and the 25th of March, under the Pain of 20s. for every such Omission or Neglect. 6, 7 W. 3. c. 11. s. 6.

The act against swearing shall be read in parish churches four times in the year.

By Section 5, all Prosecutions under this Statute must be within Ten Days after the Offence committed, but although the other pecuniary Penalties mentioned in the Statute are directed to be levied by the Warrant of one Magistrate, by Distress and Sale of the Offender's Goods, and setting in the Stocks or whipping, according to the Offender's Age, no Mode of proceeding for the recovery of the Penalty under the sixth Section is directed by the Act.

## **Threatening Letters.**

- I. *The Offence of sending or delivering any anonymous Letter, or one with a fictitious Name signed thereto, demanding Money, Venison, or other valuable Thing, or threatening Injury.*
- II. *The Offence of sending any threatening Letter, Writing, or Message to any Master Woolcomber or Weaver, &c.*

**I. The Offence of sending or delivering any anonymous Letter, or one with a fictitious Name signed thereto, demanding Money, Venison, or other valuable Thing, or threatening any Injury.**

Persons knowingly sending threatening letters demanding money, &c. or forcibly rescuing such offenders, or procuring others to join them in any such acts, declared guilty of felony without clergy.

If any person or persons shall knowingly send any Letter without any Name subscribed thereto, or signed with a fictitious Name, demanding Money, Venison, or other valuable Thing, or shall forcibly rescue any person, being lawfully in Custody of any Officer or other person for any of the Offences before mentioned, or if any person or persons shall by Gift or Promise of Money or other Reward procure any of his Majesty's Subjects to join him or them in any such unlawful act, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy. 9 G. 1. c. 22. s. 1.

By s. 4, 5. Offenders not surrendering themselves after Proclamation, and persons concealing Offenders after the time appointed for such Surrender, are also ousted of Clergy.

By s. 14. Offenders may be tried in any County in England, and Corruption of Blood is saved.

See this Act at length under Title *Black Act*.

The above Act is made perpetual by 31 G. 2. c. 42.

The Statute 27 G. 2. c. 15. recites s. 1. of 9 G. 1. c. 22. and that "divers Letters have been sent to several of his Majesty's Subjects, threatening their Lives or Burning their Houses, which Letters, not demanding Money, Venison, or any valuable Effects, are not subject to the Penalties of the said Act," and then, "to prevent the like mischievous and iniquitous proceedings for the future," enacts, that if any person or persons from and after 1st May 1754, shall knowingly send any Letter without any Name subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters threatening to kill or murder any of his Majesty's Subject or Subjects, or to burn their Houses, Outhouses, Barns, Stacks of Corn or Grain, Hay or Straw, though no Money, or Venison, or other valuable Thing, shall be demanded in or by such Letter or Letters; or shall forcibly rescue any person being lawfully in Custody of any Officer or other person for the said Offence; every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy.

Persons sending threatening or incendiary letters,

or rescuing such offenders,

shall be guilty of felony without clergy.

Persons sending letters threatening to accuse

Whereas divers evil-disposed persons, to support their profligate way of life, have by various subtle Stratagems, Threats,

and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, and Merchandizes, to the great injury of industrious Families, and to the manifest prejudice of Trade and Credit: therefore, for the punishing of all such Offenders, be it enacted, that from and after 29th September 1757, all persons who shall knowingly send or deliver any Letter or Writing with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters threatening to accuse any person of any Crime punishable by Law with Death, Transportation, Pillory, or any other infamous Punishment, with a view or intent to extort or gain Money, Goods, Wares, or Merchandizes (1), from the person or persons so threatened to be accused, shall be deemed Offenders against Law and the Public Peace, and the Court before whom such Offender or Offenders shall be tried, shall, in case he, she, or they shall be convicted of any of the said Offences, order such Offender or Offenders to be fined and imprisoned, or to be put in the Pillory (2) or publicly whipped, or to be transported as soon as conveniently may be (according to the Laws made for Transportation of Felons), to some of his Majesty's Colonies or Plantations in America, for the term of Seven Years, as the Court in which any such Offender or Offenders shall be convicted, shall think fit and order. 30 G. 2. c. 24. s. 1.

any one of any crime punishable by law with any infamous punishment, declared offenders against law and the public peace.

Any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place before whom any person or persons charged on Oath by any credible person or persons with having committed any of the Offences intended by this Act to be punished shall be brought, shall examine by Oath, which Oath every such Justice or Justices is and are hereby empowered and required to administer, and such other lawful means as to any such Justice or Justices shall seem meet, touching the matters complained of, and deal with the Offender or Offenders' according to Law; and if the Party or Parties charged as being the Offender or Offenders shall be committed to Prison or be admitted to Bail, to answer the Matters complained of at the next General or Quarter Sessions of the Peace, or next Sessions of Oyer and Terminer, which shall be held

Justices shall examine offenders ;

and commit or bail them ;

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(1) See now 52 G. 3. c. 64. as to Choses in Action, under title FALSE PRETENCES, II. § 2.

(2) This part of the Punishment is repealed by the general Words of Statute 56 G. 3. c. 138. which see under title PILLORY.

and bind parties  
by recognizance  
to prosecute.

for the County, Riding, Division, City, Liberty, or Place wherein the Offence shall be charged on Oath to have been committed, then such Justice or Justices shall bind over the Prosecutor and Prosecutors of every such Offender and Offenders to appear at the next General or Quarter Sessions of the Peace, or next Session of Oyer and Terminer, which shall be held for the County, Riding, Division, City, Liberty, or Place wherein the Offence shall be charged to have been committed, by Recognizance in such reasonable Sum of Money as to such Justice or Justices shall seem requisite, to prosecute such Offender and Offenders with effect; and if any Money, Goods, Wares, or Merchandizes fraudulently obtained, shall appear to such Justice or Justices to exceed the Amount or Value of Twenty Pounds, then the Recognizance to be taken in that behalf from the Prosecutor or Prosecutors shall be in not less than Double the Amount or Value the same shall appear before any such Justice or Justices to be worth. s. 2.

No person charged on Oath with being guilty of any of the Offences punishable by this Act, and which shall require Bail, shall be admitted to Bail before Twenty-four Hours Notice at least shall be proved on Oath to have been given in Writing to the Prosecutor of the Names and Places of Abode of the persons proposed to be Bail for any such Offender or Offenders, unless the Bail offered shall be well known to the Justice or Justices, and he and they shall approve of them; and every such Offender and Offenders who shall be bound over to the General Quarter Sessions of the Peace or Gaol Delivery of the County, City, or Town wherein the Offence charged on him shall have been committed, to answer any such Offences punishable by this Act, shall be tried at such General Quarter Sessions of the Peace, or Sessions of Oyer and Terminer and Gaol Delivery which shall be held next after his, her, or their being apprehended, unless the Court shall think fit to put off the Trial on just cause made out to them. s. 17.

## *II. The Offence of sending any threatening Letter, Writing, or Message to any Master Woolcomber or Master Weaver, &c.*

Persons writing,  
&c. or sending,  
&c. any threat-  
ening letter, &c.  
or message to  
any master wool-

The Statute 12 G. 1. c. 34. s. 6. enacts, that if any person or persons shall, after 24 June 1726, write or cause to be written, or knowingly send or cause to be sent, any Letter, or other Writing or Message, threatening any hurt or harm to any



such (1) Master Woolcomber or Master Weaver, or other person concerned in the Woollen Manufacture, or threatening to burn, pull down, or destroy any of their Houses or Outhouses, or to cut down or destroy any of their Trees, or to maim or kill any of their Cattle, for not complying with any Demands; Claims, or Pretences of any of his or their Workmen or others employed by them in the said Manufacture, or for not conforming or not submitting to any such illegal by-laws, ordinances, rules, or orders as aforesaid (2), every person so knowingly and wilfully offending in the premises, being thereof lawfully convicted upon any Indictment, to be found within Twelve Calendar Months next after any such Offence committed, shall be adjudged guilty of Felony, and shall be transported for Seven Years to some or one of his Majesty's Colonies or Plantations in America, by such ways, means, and methods, and in such manner and under such pains and penalties as Felons, in other cases are by law to be transported.

comber or weaver, declared guilty of felony.

The Statute 22 G. 2. c. 27. s. 12. recites (together with others) the above provisions of 12 G. 1. c. 34. and that it is necessary that such provisions should be extended to Journeymen Dyers, Journeymen Hotpressers, and all other persons employed in the Woollen Manufactures of this Kingdom, and also to Journeymen, Servants, Workmen, and Labourers employed in the making of Felts or Hats, and in the Manufacture of Silk, Mohair, Fur, Hemp, Flax, Linen, Cotton, Fustian, Iron, and Leather, or any Manufactures made up of Wool, Fur, Hemp, Flax, Cotton, Mohair, or Silk, or of any of the said Materials mixed one with another; and then enacts, that the said several before-recited Clauses in the said Act [of 12 G. 1.] and all the provisions, &c. therein contained, shall extend to Journeymen Dyers, Journeymen Hotpressers, and all other persons whatsoever employed in or about any of the Woollen Manufactures of this Kingdom, and Manufactures of Silk, &c. See this Clause at length under title ASSAULTS X. § 2.

The above provisions extended to other specified manufactures.

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(1) See other Offences created by this Act under titles ASSAULT, X. and MANUFACTORIES AND MANUFACTURES, Divisions I. II. III.

(2) See s. 1. of the Act, which punishes these Offences by summary Convictions before Magistrates out of Sessions.

## Transportation of Felons.

Persons already convicted of offences within the benefit of clergy, liable to be whipped, &c. and persons hereafter convicted of grand or petit larceny and entitled to their clergy (except receivers of stolen goods), may, instead of burning or whipping, be transported for seven years;

and the Court empowered to transfer offenders to contractors for such term.

The Statute 4 G. 1. c. 11. which is intituled "An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons," recites that "it is found by experience, that the Punishments inflicted by the Laws now in force against the Offences of Robbery, Larceny, and other felonious taking and stealing of Money and Goods, have not proved effectual to deter wicked and evil-disposed persons from being guilty of the said Crimes;" and that "many Offenders to whom Royal Mercy hath been extended upon condition of transporting themselves to the West Indies, have often neglected to perform the said condition, but returned to their former wickedness, and been at last for new Crimes brought to a shameful and ignominious Death;" and that "in many of his Majesty's Colonies and Plantations in America, there is a great want of Servants, who by their Labour and Industry might be the Means of improving and making the said Colonies and Plantations more useful to this Nation;" and then enacts, that where any person or persons have been convicted of any Offence within the Benefit of Clergy, before January 20th 1717, and are liable to be whipt, or burnt in the hand, or have been ordered to any Workhouse, and who shall be therein on the said 20th of January, as also where any person or persons shall be hereafter convicted of Grand or Petit Larceny, or any felonious stealing or taking of Money, or Goods and Chattels, either from the person or the house of any other, or in any other manner, and who by the Law shall be entitled to the Benefit of Clergy, and liable only to the penalties of Burning in the Hand, or Whipping, (except persons convicted for receiving or buying stolen Goods knowing them to be stolen), it shall and may be lawful for the Court before whom they were convicted, or any Court held at the same Place with the like Authority, if they think fit, instead of ordering any such Offenders to be burnt in the Hand, or whipt, to order and direct that such Offenders, as also such Offenders in any Workhouse as aforesaid, shall be sent, as soon as conveniently may be, to some of his Majesty's Colonies and Plantations in America, for the space of Seven Years; and that Court before whom they were convicted, or any subsequent Court held at the same Place with like authority as the former, shall have power to convey, transfer, and make over such Offenders, by order of Court, to the use of any person or persons who shall contract for the performance of such Transportation,

to him or them, and his and their Assigns, for such term of Seven Years; and where any persons have been convicted, or do now stand attainted of any Offences whatsoever, for which Death by Law ought to be inflicted, or where any Offenders shall hereafter be convicted of any Crimes whatsoever, for which they are by Law to be excluded the Benefit of Clergy, and his Majesty, his Heirs or Successors, shall be graciously pleased to extend Royal Mercy to any such Offenders, upon the condition of Transportation to any part of America, and such intention of Mercy be signified by one of his Majesty's Principal Secretaries of State, it shall and may be lawful to and for any Court having proper authority to allow such Offenders the Benefit of a Pardon under the Great Seal, to order and direct the like transfer and conveyance to any person or persons (who will contract for the performance of such Transportation), and to his and their Assigns, of any such before-mentioned Offenders, as also of any person or persons convicted of receiving or buying stolen Goods, knowing them to be stolen, for the term of Fourteen Years, in case such condition of Transportation be general, or else for such other term or terms as shall be made part of such condition, if any particular Time be specified by his Majesty, his Heirs and Successors, as aforesaid; and such person or persons so contracting as aforesaid, his or their Assigns, by virtue of such order of transfer as aforesaid, shall have a property and interest in the Service of the said Offenders for such terms of Years. s. 1.

Persons convicted of capital offences to whom the royal mercy is extended may be transported for fourteen years;

as also of receivers of stolen goods.

If any Offender or Offenders, so ordered by any such Court to be transported for any Term of Seven Years, or Fourteen Years, or other Time or Times as aforesaid, shall return into any part of Great Britain or Ireland before the end of his or their said Term, he or she so returning as aforesaid shall be liable to be punished as any Person attainted of Felony without the Benefit of Clergy; and Execution may and shall be awarded against such Offender or Offenders accordingly: provided nevertheless, that his Majesty, his Heirs and Successors, may at any Time pardon and dispense with any such Transportation, and allow of the Return of any such Offender or Offenders from America, he or they paying their Owner or Proprietor, at the Time of such Pardon, Dispensation, or Allowance, such Sum of Money as shall be adjudged reasonable by any Two Justices of the Peace residing within the Province where such Owner dwells; and where any such Offenders shall be transported, and shall have served their respective Terms, according to the Order of any such Court as aforesaid, such Services shall have the

Offenders transported, returning before the term limited,

liable to be punished as felons without benefit of clergy.

effect of a Pardon to all Intents and Purpōses, as for that Crime or Crimes for which they were so transported, and shall have so served as aforesaid. 4 G. 1. c. 11. s. 2.

Persons to whom offenders are transferred, shall give security for their effectual transportation.

Every such person or persons to whom any such Court shall order any such Offender to be transferred or conveyed as aforesaid, before any of them shall be delivered over to such person or persons, or his or their Assigns, to be transported as aforesaid, he or they shall contract and agree with such person or persons as shall be ordered and appointed by such Court as aforesaid, and give sufficient Security to the Satisfaction of such Court, that he or they will transport, or cause to be transported effectually, such Offenders so conveyed to him or them as aforesaid, to some of his Majesty's Colonies and Plantations in America, as shall be ordered by the said Court, and procure an authentic Certificate from the Governor, or the chief Custom-house Officer of the place (which Certificate they are hereby required to give forthwith, without Fee or Reward, as soon as conveniently may be) of the Landing of such Offenders so transferred as aforesaid, in that Place whereto they shall be ordered Death and Casualties of the Sea excepted); and that none of the said Offenders shall be suffered to return from the said Place to any Part of Great Britain or Ireland by the wilful Default of such person or persons so contracting as aforesaid, or by the wilful Default of his or their Assigns. s. 3.

This act shall extend to all his Majesty's Dominions in America. s. 9.

Powers of 4 G. 1. c. 11. may be executed by any subsequent court though held in any other place than where the trial took place.

Be it enacted, that all the Powers and Authorities which are in and by the Act 4 G. 1. c. 11. given to any Court before whom any Felons and Offenders tried and convicted of any Offences for which they may be sent or transported to any of his Majesty's Colonies or Plantations in America, shall and may be observed and executed by any other subsequent Court with like Authority, held for the same County, Riding, Division or Liberty where such Felons or Offenders were or shall be tried and convicted, notwithstanding such other subsequent Court shall happen to be held at or in any other Town or Place than that wherein such Trials or Convictions were or shall be. 6 G. 1. c. 23. s. 1.

Court may appoint two justices to contract with persons to transport felons.

The Court before whom such Felons or Offenders (who may by 4 G. 1. c. 11. or by this Act be transported as aforesaid) shall be convicted, or any other Court held with the like Authority for the same County, Riding, Division, Liberty or Place wherein they shall be convicted as aforesaid, may appoint, if they think fit, two Justices of the Peace of and for such County, &c. who

shall have Power to contract with any person for the performance of the transportation of such Felons and Offenders, who, by order of such Court, are to be sent to any of the Colonies or Plantations [in America], and to order the like sufficient Security [as directed to be taken by 4 G. 1. c. 11. by Order of Court], and to cause such Felons to be delivered by the Gaolers in whose Custody they are, to the person so contracting or his Assigns, which Contracts and Securities shall be certified by the Justices making and taking the same to the next Court held with the like Authority for the said County, &c. where such Felons shall be convicted, to be kept amongst the Records of such Court. 6 G. 1. c. 23. s. 2.

The Charges of making the Contracts, taking Securities, and conveying such Felons by virtue of 4 G. 1. c. 11. or this Act, shall be borne by such County, &c. for which the Court was held, ordering such Felons, &c. to be transported; and the Treasurer, by Order of the Justices in their General Quarter Sessions, shall pay the same. s. 3.

Charges of conveying such felons shall be defrayed by the counties.

Such Securities for Transportation under 4 G. 1. c. 11. or this Act, shall be by Bond in the names of the Clerks of the Peace of such Counties, &c.; and such Clerks of the Peace shall prosecute such Bonds in their own names, to which Purpose they shall be deemed a Body Corporate, and shall be paid the Costs sustained in any such Suit out of the Public Stock, and the Money recovered on such Bond shall be paid to the County Treasurer, and become part of the Publick Stock of such County, &c. s. 4.

Securities taken to transport such felons shall be by bond to the clerks of the peace.

The person or persons so contracting as aforesaid, and to whom any such Felons or Offenders shall be delivered in order to be transported as aforesaid, or any person or persons directed by the said Justices (empowered to contract as aforesaid), or their Assigns, may in such manner as they shall think fit carry and secure the said Felons and Offenders in and through any County and Counties of Great Britain whatsoever, toward the Sea-port from whence they are to be transported as aforesaid; and if any person or persons shall rescue such Felons or Offenders, or any of them, he, she, and they so rescuing, or aiding or assisting such Felons or Offenders, or any of them, in making their Escape from such person or persons as shall have them in their Custody as aforesaid, shall be deemed and adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy. s. 5.

Persons rescuing felons ordered to be transported in their passage to the place of transportation, shall be guilty of felony without clergy.

Whereas some Felons ordered for Transportation according to Law have already and others may come on shore and return to Great Britain before they have been actually transported to

Felons escaping or returning from transportation shall be ousted of clergy.

America, or may break Gaol or escape before such Transportation; be it enacted, that if any Felon or Felons who have been or shall be ordered for Transportation by this or any other Act, shall be afterwards at large within any part of this Kingdom of Great Britain, without some lawful cause, before the Expiration of the Term for which such Felon or Felons was, were, or shall be ordered to be transported, all and every such person and persons, being thereof lawfully convicted, shall suffer Death as in cases of Felony, without Benefit of Clergy. 6 G. 1. c. 23. s. 6.

The Clerk of Assizes, &c. certificate shall be proof of such former conviction.

And to the intent that such Conviction may be with as little trouble and expence as possible, be it enacted, that such Offender or Offenders may be tried either before Justices of Assize, Oyer and Terminer, or Gaol Delivery, for the County, City, or Liberty where he, she, or they shall be apprehended and taken, or before Justices of Assize, Oyer and Terminer, or Gaol Delivery for that County, City, or place from which he, she, or they were ordered to be transported; and that the Clerk of the Assize and Clerk of the Peace where such Orders of Transportation shall be made, and their Successors for the time being, shall at the request of the Prosecutor or any other in his Majesty's behalf, certify a Transcript briefly and in few Words, containing the effect and tenor of every Indictment and Conviction of such Man or Woman, and of the Order or Contract for his or her Transportation, to the Justices of Assize, Oyer and Terminer, or Gaol Delivery, where such Man or Woman shall be indicted (not taking for the same above the Sum of Two Shillings and Sixpence), which Certificate being produced in Court shall be a sufficient proof that such person or persons have before been convicted and ordered to be transported. s. 7.

Persons ordered for transportation, or agreeing to transport themselves, returning, &c. guilty of felony without clergy.

Whereas many Felons and other Offenders already ordered or hereafter to be ordered for Transportation, or who have upon certain Conditions agreed to transport themselves, either for life or for some term or number of years, according to Law, have already or hereafter may come on shore, or return into Great Britain before they have been actually transported or transported themselves to America, or have already or may hereafter break gaol or escape before such Transportation: And whereas many of the Offenders aforesaid have escaped by reason of the great Expence that is necessary for prosecuting such Offenders to Conviction; for remedy whereof be it enacted, that if any Felon or other Offender already ordered or hereafter to be ordered for Transportation, or who hath already or hereafter shall agree to transport him or herself on certain Conditions to any of his Majesty's Colonies and Planta-



tions in America, either for Life or any Number of Years, shall be afterwards at large within any part of the Kingdom of Great Britain, without some lawful cause, before the expiration of the term for which he or she were so ordered to be transported, or had so agreed to transport him or herself, all and every such person or persons being thereof lawfully convicted, shall suffer Death as in Cases of Felony without Benefit of Clergy. 16 G. 2. c. 15. s. 1.

Every such Offender or Offenders shall be tried for any of the Offences aforesaid before such Judges and in such manner, and the same Evidence made use of for his or her Conviction, as is directed in and by the Statute 6 G. 1. c. 23. in cases of Felons returning from Transportation. s. 2.

And for the Encouragement of such as shall prosecute to Conviction any of the Offenders aforesaid, be it further enacted, that whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any such Offender or Offenders so found at large within the Kingdom of Great Britain, shall be entitled to a Reward of the Sum of Twenty Pounds for every such Offender so convicted as aforesaid, and shall have the like Certificate and like Payments made, without Fee or Reward, as any person or persons may be intitled unto for the apprehending, prosecuting, and convicting of Highwaymen, by any Law or Laws for that Purpose. s. 3. (1)

Trial as under  
6 G. 1. c. 23.

Reward of £20.  
to prosecutors of  
such felons.

The Statute 8 G. 3. c. 15. intituled "An Act for the more speedy and effectual Transportation of Offenders," recites that "several Offenders, convicted of Crimes for which they are by Law excluded the Benefit of Clergy, are reprieved by the Judge who tries them, and recommended by him to his Majesty's Mercy, who generally, on such Recommendation, is graciously pleased to extend the same to them, on Condition of Transportation to some of his Majesty's Colonies and Plantations in America for Life, or for the Term of Fourteen Years; and such Intention of Mercy is signified by one of his Majesty's Principal Secretaries of State to the Judges at the next Assizes after such Conviction, who thereupon order such Offenders to be transported accordingly;" and that "by this method of ordering the Transportation, such Offenders lie several Months in Gaol after Conviction; whereby they are rendered less capable of being useful to the public in the parts of America to which they are sent:" and then, for remedy thereof enacts, that where any Offender shall hereafter be convicted of any Crimes for which he or she is by Law to be excluded the

Where His Majesty's mercy shall be extended

(1) 4 W. & M. c. 8. and see this Work, title REWARDS.

to any offender upon condition of transportation, and the same be signified to the Judge by one of the principal Secretaries of State, such Judge may make order for the immediate transportation of such offender forthwith, without waiting till the next assizes ;

who shall thereupon be transferred, &c.

Offender afterwards found at large before the expiration of the said term, shall suffer death ;

Benefit of Clergy, and the Judge, or Justice of Oyer and Terminer or Gaol Delivery, in any County, City, or Place, before whom any such Offender shall be convicted or condemned, shall grant a Reprieve for the staying of Execution of such Offender, and recommend him or her to his Majesty as a proper object of his Majesty's Mercy ; if his Majesty, his Heirs or Successors, shall be graciously pleased to extend Royal Mercy to any such Offender upon Condition of Transportation to any part of America, and such Intention of Mercy shall be signified by one of his Majesty's Principal Secretaries of State to the Judge so recommending ; it shall and may be lawful for every such Judge, or Justice of Oyer and Terminer or Gaol Delivery, to make an order for the immediate Transportation of every such Offender, in the same manner as if such Intention of Mercy had been signified to him by one of his Majesty's Principal Secretaries of State, during the continuance of the Assizes at which such Offender was condemned ; and such Order shall be considered as an Order made at such Assizes or Place, and shall be as effectual to every intent and purpose, and shall have all the same consequences in every respect, as any Order for the Transportation of any Offender made by any Justice of Oyer and Terminer or Gaol Delivery for such County, City, or Place ; and such Offender shall be transferred, conveyed, and made over, to any person who will contract for the performance of such Transportation, and to his and their assigns, for the Term of Fourteen Years, in case such Condition of Transportation be general ; or else for such other Term or Terms as shall be made part of such Condition, if any particular time be specified by his Majesty, his Heirs and Successors, as aforesaid ; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such Order of Transfer as aforesaid, shall have a property and interest in the service of the said Offender, for such Terms as aforesaid ; and such Transportation shall have the effect of a Pardon under the Great Seal for such Offender, as to the Crime of which he or she was so convicted ; but if such Offender, so ordered for Transportation, shall be afterwards at large within any part of this Kingdom of Great Britain, without some lawful cause, before the Expiration of the Term for which such Offender shall have been ordered to be transported, every such person, being thereof lawfully convicted, shall suffer Death as in cases of Felony without Benefit of Clergy, and shall be tried before such Judges and in such manner, and the same Evidence made use of for his

or her Conviction, as are directed by the Laws now in being for the Trial of other Felons found at large within this Kingdom before the Expiration of the Term for which they were ordered to be transported (1); and whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any such Offender so found at large within this Kingdom, shall be entitled to the like Reward of Twenty Pounds, and Certificate, and in the same manner as any person may be entitled to for discovering, apprehending, and prosecuting to Conviction any person ordered to be transported and found at large within this Kingdom before the Expiration of the Term for which such person was ordered to be transported. (2)

and persons apprehending and prosecuting such person to conviction, entitled to a reward.

The Statute 19 G. 3. c. 74. intituled "An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders," recites that the Punishment of Felons and other Offenders, by Transportation to his Majesty's Colonies and Plantations in America, is attended with many difficulties; and enacts, that from and after 1st July 1779, when any person, at any Session of Oyer and Terminer or Gaol Delivery, or at any Quarter or other General Session of the Peace, to be holden for any County, Riding, Liberty, Division, City, Corporation, or Place, within that part of Great Britain called England, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of any Grand or Petty Larceny, or any other Crime, for which he or she is or shall be liable by Law to be transported to any of his Majesty's Colonies or Plantations in America, or if any Person convicted of such Crime hath already been ordered to be so transported, but such Order hath not yet been executed, it shall and may be lawful for the Court before which any such person hath been or shall be so convicted, or any Court holden for the same place with like authority, if such Court shall think fit, to order and adjudge that such person shall be transported to any parts beyond the Seas, whether the same be situated in America or elsewhere, in such and the like manner, and for any Term of Years not exceeding such and the same Term as and for which such person is or shall be liable to be transported to any of his Ma-

When any person is convicted, in England or Wales, &c. of any crime punishable by transportation to America, the court may order him to be transported to any parts beyond the seas, either in America or elsewhere.

(1) See the Statutes 6 G. 1. c. 23. s. 6, 7. and 16 G. 2. c. 15. s. 1, 2, 3. ante, pages 1022, 1023.

(2) See the Stat. 16 G. 2. c. 15. s. 3. ante, page 1023.

Majesty's Colonies and Plantations in America aforesaid; any Law, Statute, or Usage to the contrary notwithstanding.

When any convict shall be ordered for transportation as aforesaid, or any offender excluded from benefit of clergy shall receive his Majesty's pardon on condition of transportation as aforesaid, all laws relating to transportation of criminals to America, and their returning before the expiration of their term, shall be in force with respect to the offenders first mentioned.

When any such person, who hath already been or shall hereafter be so convicted, shall in consequence thereof be ordered to be transported to any Parts beyond the Seas, or if his Majesty, his Heirs and Successors, shall hereafter be graciously pleased to extend the Royal Mercy to any Offender convicted or attainted of any Felony by which he or she is excluded from the Benefit of Clergy, or of such Statutes as are equivalent thereunto, upon the Condition of Transportation to any Parts beyond the Seas as aforesaid, then and in any such cases all Laws, Statutes, Usages, and Customs now in force, with regard to the Transportation of Criminals to any of his Majesty's Colonies or Plantations in America, and their Punishment for being afterwards at large within any part of the Kingdom of Great Britain before the Expiration of the several Terms for which they were ordered to be transported, or had agreed to transport themselves, and particularly the several Provisions contained in an Act made in the Fourth Year of King George the First [4 G. 1. c. 11.]; and in one other Act, made in the Sixth Year of King George the First [6 G. 1. c. 23.]; and in one other Act, made in the Sixteenth Year of his late Majesty King George the Second [16 G. 2. c. 15.]; and in one other Act, made in the Eighth Year of his present Majesty [8 G. 3. c. 15.]; shall take place, be in force, and enure, with regard to the Transportation of all such Offenders as aforesaid, to any Part or Parts beyond the Seas, and with regard to their Punishment for being afterwards at large in this Kingdom before the Expiration of their respective Terms, in like manner as if the same had been repeated and specially inserted in this Act. s. 2.

When any person is convicted of any felony for which he shall be liable to be burnt in the hand, the court may, instead thereof, impose on him a moderate fine;

And whereas the Punishment of Burning in the Hand when any person is convicted of Felony within the Benefit of Clergy, is often disregarded and ineffectual, and sometimes may fix a lasting-mark of Disgrace and Infamy on Offenders, who might otherwise become good Subjects and profitable Members of the Commonwealth; be it therefore enacted, that from and after the passing of this Act, when any person shall, in any of the Courts before mentioned, be lawfully convicted of any Felony within the Benefit of Clergy, for which he or she is liable by Law to be burned or marked in the Brawn of the left Thumb, it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like

authority, if such Court shall think fit, instead of such Burning or Marking, to impose upon such Offender such a moderate pecuniary Fine as to the Court in its Discretion shall seem meet; or otherwise it shall be lawful, instead of such Burning or Marking in any of the cases aforesaid, except in the case of Manslaughter, to order and adjudge that such Offender shall be once or oftener, but not more than Three Times, either publicly or privately whipped, such private Whipping to be inflicted in the presence of not less than Two Persons besides the Offender and the Officer who inflicts the same; and in case of Female Offenders, in the presence of Females only (1); and such Fine or Whipping so imposed or inflicted, instead of such Burning or Marking, shall have the like effects and consequences to the party on whom the same or either of them shall be so imposed or inflicted, with respect to any Discharge from the same or other Felonies, or any Restitution to his or her Estates, Capacities, and Credits, as if he or she had been burned or marked as aforesaid. 19 G. 3. c. 74. s. 3.

or order him to be whipped.

The Statute 39 G. 3. c. 45. recites that so much of 19 G. 3. c. 74. as relates to the Punishment of Burning in the Hand, when any person is convicted of Felony within the Benefit of Clergy, (which was to continue in force til 1st June 1784, and which was, by 24 G. 3. st. 2. c. 56., 28 G. 3. c. 24., and 34 G. 3. c. 60., continued til 1st June 1799), had been found useful and beneficial, and that it was expedient that the same should be made perpetual; and then enacts, that so much of the said Act of 19 G. 3. c. 74. as relates to the Punishment of Burning in the Hand when any person is convicted of Felony within the Benefit of Clergy, shall be perpetual.

Provided always, that nothing in this Act contained shall abridge or deprive any of the said Courts of the Powers now vested in them by Law, of detaining and keeping in Prison, for any Time not exceeding One Year, or of committing to the House of Correction or public Workhouse, to be kept to Hard Labour for any Time not less than Six Months or exceeding Two Years, any such Offender as aforesaid; but that such Offender may, if such Court shall think fit, after such Burning or Marking, or after such Whipping or Fine, as shall by virtue of this present Act be inflicted or imposed instead thereof, be so detained or committed, and with such accumulated Punish-

This act shall not abridge the powers of the said courts of imprisoning offenders in the common gaol or to hard labour.

(1) Female whipping is now abolished by the Statute 57 G. 3. c. 75. which see under title JUDGEMENT.

Male convicts, in England or Wales, &c. convicted of any crime (except petty larceny), punishable by transportation, may, if of competent Age and bodily strength, be kept to hard labour in cleansing the Thames, &c. for any term not less than one year, nor more seven years.

ment in case of Escape from such House of Correction or Workhouse, as if this Act had never been made. 19 G. 3. c. 74. s. 4.

And for the more severe and effectual Punishment of atrocious and daring Offenders, be it further enacted, that from and after the First Day of July 1779, where any Male Person, at any Session of Oyer and Terminer or Gaol Delivery, to be holden for the County of the City of London, or for any other County within that Part of Great Britain called England, or for the Royal Franchise of Ely, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of Grand Larceny, or any other Crime, except Petty Larceny, for which he shall be liable by Law to be transported to any Parts beyond the Seas, it shall and may be lawful for the Court before whom any such Person shall be so convicted, or any Court holden for the same Place with like Authority, if such Court shall think fit, in the Place of such Punishment by Transportation, to order and adjudge that such Person, appearing to be of competent Age and free from any bodily Infirmary, shall be punished by being kept on board Ships or Vessels properly accommodated for the Security, Employment, and Health of the Persons to be confined therein, and by being employed in Hard Labour in the raising Sand, Soil, and Gravel from, and cleansing the River Thames, or any other River navigable for Ships of Burthen, or any Port, Harbour, or Haven within that Part of Great Britain called England, such River, Port, Harbour, or Haven being previously approved and appointed for that Purpose by Order of his Majesty in his Privy Council, or in any other Service for the Benefit of the Navigation of the said Rivers, Ports, Harbours or Havens, or in any other public Works upon the Banks or Shores of the same, under the Management and Direction of such Superintendant or Superintendants as hath been or shall be appointed, for the River Thames, by the Justices of the Peace for the County of Middlesex, and for other Rivers, Ports, Harbours, or Havens, by the Justices of the Peace for the Counties wherein such Rivers, Ports, Harbours, or Havens are situated, or of such of the Counties next adjoining to the same, respectively, as his Majesty in Council shall direct, at their Quarter or other General Session of the Peace, for such Term, not less than One Year nor exceeding Five Years, or in case such Offender shall be liable to be transported for Fourteen Years, not exceeding Seven Years, as such Court of Oyer and Terminer or Gaol Delivery shall think fit to order and adjudge. s. 27.



Where any Person shall, at any Session of Oyer and Terminer, or Gaol Delivery, or Great Session, within England or Wales, be lawfully convicted of any Robbery or other Felony for which he or she shall by Law, either under this Statute or under any other Statute now in force, or hereafter to be made, be liable to suffer Death, without Benefit of Clergy, and his Majesty shall be graciously pleased to extend the Royal Mercy to any such Offender, upon Condition of being kept to hard Labour, during any specified Term, in any Penitentiary House to be erected in pursuance of this Act, or, such Offenders being Males, upon Condition of being kept to hard Labour, during any specified term, in the Custody of such Superintendant or Superintendants as aforesaid, for the Benefit of the said Navigations; and such Intention of Mercy shall be notified in Writing, by One of his Majesty's Principal Secretaries of State, to the Court in which such Offender shall be convicted, or to any Court held for the same Place with the like Authority; or, if no such Court shall be sitting, then to any Justice of Oyer and Terminer, or Gaol Delivery, or Justice of Great Sessions, by or before whom such Offender shall have been convicted or condemned; such Court or Justice may and shall, immediately on receiving such Notification, allow to every such Offender the Benefit of a conditional Pardon, in the same Manner as if there was a conditional Pardon under the Great Seal; and may and shall order, that every such Offender shall be kept to hard Labour in such Penitentiary House as aforesaid, or in the Custody of such Superintendant or Superintendants as aforesaid, for the Time specified in the Notification from such Secretary of State. s. 28.

In case his Majesty shall extend his mercy to any person convicted of any felony punishable by death, the judge shall order the offender to be kept to hard labour in a penitentiary house, or on the Thames, &c. for the time specified by the Secretary of State.

When any Offender shall be ordered and adjudged to be kept to Hard Labour in any of the manners aforesaid, the Clerk of Assize, or other Clerk of the Court in which such Offender shall be convicted, shall give to the Sheriff or Gaoler having the Custody of such Offender, a Certificate in Writing under his Hand, containing an Account of the Christian Name, Surname, and Age of such Offender, of his or her Offence, of the Court before which he or she was convicted, and of the Term for which he or she shall be so ordered to Hard Labour; and the Sheriff or Gaoler having the Custody of such Offender shall, with all convenient speed after the making of such Order, and the receiving such Certificate, convey such Offender, or cause him or her to be conveyed, to such House or Place to which such Order shall direct him or her to be conveyed; and shall deliver such Offender, or cause him or her to be delivered,

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who shall deliver such offender and certificate to the governor or

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And for the more severe and effectual Punishment of atrocious and daring Offenders, be it further enacted, that from and after the First Day of July 1779, where any Male Person, at any Session of Oyer and Terminer or Gaol Delivery, to be holden for the County of the City of London, or for any other County within that Part of Great Britain called England, or for the Royal Franchise of Ely, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of Grand Larceny, or any other Crime, except Petty Larceny, for which he shall be liable by Law to be transported to any Parts beyond the Seas, it shall and may be lawful for the Court before whom any such Person shall be so convicted, or any Court holden for the same Place with like Authority, if such Court shall think fit, in the Place of such Punishment by Transportation, to order and adjudge that such Person, appearing to be of competent Age and free from any bodily Infirmary, shall be punished by being kept on board Ships or Vessels properly accommodated for the Security, Employment, and Health of the Persons to be confined therein, and by being employed in Hard Labour in the raising Sand, Soil, and Gravel from, and cleansing the River Thames, or any other River navigable for Ships of Burthen, or any Port, Harbour, or Haven within that Part of Great Britain called England, such River, Port, Harbour, or Haven being previously approved and appointed for that Purpose by Order of his Majesty in his Privy Council, or in any other Service for the Benefit of the Navigation of the said Rivers, Ports, Harbours or Havens, or in any other public Works upon the Banks or Shores of the same, under the Management and Direction of such Superintendant or Superintendants as hath been or shall be appointed, for the River Thames, by the Justices of the Peace for the County of Middlesex, and for other Rivers, Ports, Harbours, or Havens, by the Justices of the Peace for the Counties wherein such Rivers, Ports, Harbours, or Havens are situated, or of such of the Counties next adjoining to the same, respectively, as his Majesty in Council shall direct, at their Quarter or other General Session of the Peace, for such Term, not less than One Year nor exceeding Five Years, or in case such Offender shall be liable to be transported for Fourteen Years, not exceeding Seven Years, as such Court of Oyer and Terminer or Gaol Delivery shall think fit to order and adjudge. s. 27.

Where any Person shall, at any Session of Oyer and Terminer, or Gaol Delivery, or Great Session, within England or Wales, be lawfully convicted of any Robbery or other Felony for which he or she shall by Law, either under this Statute or under any other Statute now in force, or hereafter to be made, be liable to suffer Death, without Benefit of Clergy, and his Majesty shall be graciously pleased to extend the Royal Mercy to any such Offender, upon Condition of being kept to hard Labour, during any specified Term, in any Penitentiary House to be erected in pursuance of this Act, or, such Offenders being Males, upon Condition of being kept to hard Labour, during any specified term, in the Custody of such Superintendant or Superintendants as aforesaid, for the Benefit of the said Navigations; and such Intention of Mercy shall be notified in Writing, by One of his Majesty's Principal Secretaries of State, to the Court in which such Offender shall be convicted, or to any Court held for the same Place with the like Authority; or, if no such Court shall be sitting, then to any Justice of Oyer and Terminer, or Gaol Delivery, or Justice of Great Sessions, by or before whom such Offender shall have been convicted or condemned; such Court or Justice may and shall, immediately on receiving such Notification, allow to every such Offender the Benefit of a conditional Pardon, in the same Manner as if there was a conditional Pardon under the Great Seal; and may and shall order, that every such Offender shall be kept to hard Labour in such Penitentiary House as aforesaid, or in the Custody of such Superintendant or Superintendants as aforesaid, for the Time specified in the Notification from such Secretary of State. s. 28.

In case his Majesty shall extend his mercy to any person convicted of any felony punishable by death, the judge shall order the offender to be kept to hard labour in a penitentiary house, or on the Thames, &c. for the time specified by the Secretary of State.

When any Offender shall be ordered and adjudged to be kept to Hard Labour in any of the manners aforesaid, the Clerk of Assize, or other Clerk of the Court in which such Offender shall be convicted, shall give to the Sheriff or Gaoler having the Custody of such Offender, a Certificate in Writing under his Hand, containing an Account of the Christian Name, Surname, and Age of such Offender, of his or her Offence, of the Court before which he or she was convicted, and of the Term for which he or she shall be so ordered to Hard Labour; and the Sheriff or Gaoler having the Custody of such Offender shall, with all convenient speed after the making of such Order, and the receiving such Certificate, convey such Offender, or cause him or her to be conveyed, to such House or Place to which such Order shall direct him or her to be conveyed; and shall deliver such Offender, or cause him or her to be delivered,

When any offender shall be ordered to hard labour, the clerk of assize, &c. shall give a certificate to the sheriff or gaoler,

who shall deliver such offender and certificate to the governor or

Male convicts, in England or Wales, &c. convicted of any crime (except petty larceny), punishable by transportation, may, if of competent Age and bodily strength, be kept to hard labour in cleansing the Thames, &c. for any term not less than one year, nor more seven years.

ment in case of Escape from such House of Correction or Workhouse, as if this Act had never been made. 19 G. 3. c. 74. s. 4.

And for the more severe and effectual Punishment of atrocious and daring Offenders, be it further enacted, that from and after the First Day of July 1779, where any Male Person, at any Session of Oyer and Terminer or Gaol Delivery, to be holden for the County of the City of London, or for any other County within that Part of Great Britain called England, or for the Royal Franchise of Ely, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of Grand Larceny, or any other Crime, except Petty Larceny, for which he shall be liable by Law to be transported to any Parts beyond the Seas, it shall and may be lawful for the Court before whom any such Person shall be so convicted, or any Court holden for the same Place with like Authority, if such Court shall think fit, in the Place of such Punishment by Transportation, to order and adjudge that such Person, appearing to be of competent Age and free from any bodily Infirmary, shall be punished by being kept on board Ships or Vessels properly accommodated for the Security, Employment, and Health of the Persons to be confined therein, and by being employed in Hard Labour in the raising Sand, Soil, and Gravel from, and cleansing the River Thames, or any other River navigable for Ships of Burthen, or any Port, Harbour, or Haven within that Part of Great Britain called England, such River, Port, Harbour, or Haven being previously approved and appointed for that Purpose by Order of his Majesty in his Privy Council, or in any other Service for the Benefit of the Navigation of the said Rivers, Ports, Harbours or Havens, or in any other public Works upon the Banks or Shores of the same, under the Management and Direction of such Superintendant or Superintendants as hath been or shall be appointed, for the River Thames, by the Justices of the Peace for the County of Middlesex, and for other Rivers, Ports, Harbours, or Havens, by the Justices of the Peace for the Counties wherein such Rivers, Ports, Harbours, or Havens are situated, or of such of the Counties next adjoining to the same, respectively, as his Majesty in Council shall direct, at their Quarter or other General Session of the Peace, for such Term, not less than One Year nor exceeding Five Years, or in case such Offender shall be liable to be transported for Fourteen Years, not exceeding Seven Years, as such Court of Oyer and Terminer or Gaol Delivery shall think fit to order and adjudge. s. 27.

Where any Person shall, at any Session of Oyer and Terminer, or Gaol Delivery, or Great Session, within England or Wales, be lawfully convicted of any Robbery or other Felony for which he or she shall by Law, either under this Statute or under any other Statute now in force, or hereafter to be made, be liable to suffer Death, without Benefit of Clergy, and his Majesty shall be graciously pleased to extend the Royal Mercy to any such Offender, upon Condition of being kept to hard Labour, during any specified Term, in any Penitentiary House to be erected in pursuance of this Act, or, such Offenders being Males, upon Condition of being kept to hard Labour, during any specified term, in the Custody of such Superintendant or Superintendants as aforesaid, for the Benefit of the said Navigations; and such Intention of Mercy shall be notified in Writing, by One of his Majesty's Principal Secretaries of State, to the Court in which such Offender shall be convicted, or to any Court held for the same Place with the like Authority; or, if no such Court shall be sitting, then to any Justice of Oyer and Terminer, or Gaol Delivery, or Justice of Great Sessions, by or before whom such Offender shall have been convicted or condemned; such Court or Justice may and shall, immediately on receiving such Notification, allow to every such Offender the Benefit of a conditional Pardon, in the same Manner as if there was a conditional Pardon under the Great Seal; and may and shall order, that every such Offender shall be kept to hard Labour in such Penitentiary House as aforesaid, or in the Custody of such Superintendant or Superintendants as aforesaid, for the Time specified in the Notification from such Secretary of State. s. 28.

In case his Majesty shall extend his mercy to any person convicted of any felony punishable by death, the judge shall order the offender to be kept to hard labour in a penitentiary house, or on the Thames, &c. for the time specified by the Secretary of State.

When any Offender shall be ordered and adjudged to be kept to Hard Labour in any of the manners aforesaid, the Clerk of Assize, or other Clerk of the Court in which such Offender shall be convicted, shall give to the Sheriff or Gaoler having the Custody of such Offender, a Certificate in Writing under his Hand, containing an Account of the Christian Name, Surname, and Age of such Offender, of his or her Offence, of the Court before which he or she was convicted, and of the Term for which he or she shall be so ordered to Hard Labour; and the Sheriff or Gaoler having the Custody of such Offender shall, with all convenient speed after the making of such Order, and the receiving such Certificate, convey such Offender, or cause him or her to be conveyed, to such House or Place to which such Order shall direct him or her to be conveyed; and shall deliver such Offender, or cause him or her to be delivered,

When any offender shall be ordered to hard labour, the clerk of assize, &c. shall give a certificate to the sheriff or gaoler,

who shall deliver such offender and certificate to the governor or



superintendent,  
&c. who shall  
give a receipt for  
the same.

together with such Certificate, to such Governor or Superintendent as aforesaid, or to such person or persons as such Governor or Superintendent shall appoint; and such Governor or Superintendent, or other person or persons to whom such Offender shall be so delivered, shall give a proper Receipt in Writing, under his or their Hand or Hands, to the Sheriff or Gaoler so delivering such Offender, which shall be his sufficient Discharge; and such Governor or Superintendent shall transmit such Certificate to the Clerk of the Peace for the County or Place wherein such Penitentiary House or other Place of Confinement shall be situated, to be filed with the Records of the Sessions. 19 G. 3. c. 74. s. 29.

Fees to be paid  
to the clerk of  
assize, &c. and  
to the sheriff or  
gaoler.

The Clerk of Assize or other Clerk of the Court shall have the same Fee, Gratuity, or Satisfaction, on granting such Certificate, and the Sheriff or Gaoler shall have the same Fee on delivering out of his Custody any such Offender so to be ordered to any such Penitentiary House or other Place of Hard Labour, as hath usually been paid, and would have been due to them respectively, if such Offender had been sentenced to Transportation, except in the case of Petty Larceny, wherein they shall have only such Fees as have usually and of right been paid upon Conviction for the said Offence, and Judgment to be whipped for the same; and such Fees, Gratuities, and Satisfaction, and also all Expences to be incurred by any Sheriff or Gaoler in the Conveyance of any such Offender whatever to the House or Place to be appointed for his or her Confinement, such Expences being previously examined and allowed by the Justices of the Peace at their Quarter or other General Session, shall be paid by the Treasurer of the County or Place for which the Court in which such Offender shall be convicted shall have been held, to such Clerk of Assize or other Clerk of the Court, and to such Sheriff or Gaoler respectively, and every such Treasurers hall be allowed every such Payment in his Accounts. s. 30.

Such fees, and  
the expences of  
conveying offend-  
ers to their  
place of confine-  
ment, to be paid  
by the county  
treasurer.

Governor or su-  
perintendent to  
have the same  
power over  
offenders in his  
custody as a  
sheriff or gaoler.

After Delivery of any such Offender as aforesaid into the Custody to which he or she shall be ordered or adjudged, such Governor or Superintendent, or other person having the Custody of Offenders under his Direction, shall, during the Term for which such Offender shall be ordered to Hard Labour, have the same Powers over such Offender as are incident to the Office of a Sheriff or Gaoler; and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment as a Gaoler is now liable to by Law. s. 31.



After the Delivery of any such Male Offender into the Custody of any such Superintendant or Superintendants as aforesaid, he shall be confined in some secure Place or Vessel, to be provided for the sole Purpose of receiving such Offenders on their first arrival, and shall be washed and cleaned, and his Clothes shall be burnt, if it is deemed necessary, and others provided for him; and he shall remain there for the Space of Four Days at the least, unless during that time he shall be found to be infected with any putrid or contagious Fever or other Disease; in which case he shall be immediately sent to the Hospital or Infirmary till such Time as the Surgeon or Apothecary attending the same shall think it safe to remove him on board one of the Vessels appointed for the Confinement of Offenders in general, and to lodge him among the healthy Convicts. s. 50.

Male convicts, after they are delivered to the superintendant, shall be washed, and their clothes changed, &c.

There shall be provided for the Reception of such Offenders in the Custody of every Superintendant, as shall happen to be sick, or to be disabled by any Wound or Accident, a secure Place or Vessel to serve as an Hospital or Infirmary, with such proper Assistants as may be necessary for their speedy Recovery, but the whole to be under the Charge and Control of such Superintendant aforesaid, who shall be liable to answer for the Escape of any Offender so removed to such Hospital or Infirmary; and there shall also be provided by the said Superintendant, a large Piece of Ground securely fenced and inclosed, for a Garden and Airing-ground, in which shall be raised proper Vegetables for the use of the Offenders under the Custody of every such Superintendant; who shall be at liberty to employ such of the invalid Offenders recommended for that Purpose by the Surgeon or Apothecary, as the said Superintendant shall think proper, and for whose Escape he shall be liable to answer, in the Culture and Management of such Garden. s. 51.

An hospital shall be provided for the sick, &c.;

likewise a large garden for raising vegetables for the use of the offenders.

Subject to the Exceptions and Provisions aforesaid, every such Superintendant or Superintendants shall, during the Term prescribed for the Imprisonment and Hard Labour of every such Offender, keep him to Hard Labour, either in raising Sand, Soil, and Gravel, or in any other laborious Service, for the benefit of the Navigation of the Thames, or of such other Navigable Rivers, Ports, Harbours, or Havens as aforesaid, or in any other public Works upon the Banks or Shores of the same; but when the said laborious Service shall be for the Navigation of the Thames, then at such places only, and subject to such Limitations and Restrictions, as the Master, Wardens,

Offenders, in custody of the superintendant, shall be employed in raising sand, &c. for the benefit of the navigation of the Thames, &c.;

and Assistants of the Trinity House shall from time to time prescribe. 19 G. 3. c. 74. s. 52.

but not in delivering ballast to masters of ships.

Provided nevertheless, that such Offenders shall in no case be employed in delivering Tonnage or Ballast to Masters and Commanders of Ships, but only in digging, raising, and taking up the Gravel, Sand, and Soil from the Shelves and Sand-banks of the said Rivers, Ports, Harbours, or Havens, and in discharging the same upon the Shore, above the High-water Mark, except in such cases where any Embankment or Sea Wall shall be directed to be made or repaired, or in some other laborious Service for the benefit of such Navigations, or for completing such other public Works as aforesaid. s. 53.

Offenders to be fed with bread, coarse meat, &c. and water or small beer.

Every Offender who shall be ordered to Hard Labour in the Custody of such Superintendant or Superintendants as aforesaid, shall during the time of such Service be fed and sustained with Bread, and any coarse Meat, or other inferior Food, and Water or Small Beer, and also clothed, at the discretion and under the direction of such Superintendant or Superintendants; and such Offender shall not during the Term of such Service be permitted to have any other Food, Drink, or Clothing than such as shall be so directed; and if any person shall supply any such Offender at any time during the Term of his said Service with any Drink, Food, or Clothing other than such as shall be so directed, or with any Money, he or she so supplying shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor under Forty Shillings. s. 54.

Penalty on persons supplying them with any other food, &c.

Offenders who refuse to work, or otherwise misbehave themselves, may be whipped, &c.

If any Offender who shall be so delivered to such Superintendant or Superintendants to be kept to Hard Labour, shall during the Term of such Service refuse to perform any Labour authorized by this Act, or shall be guilty of any other Misbehaviour or disorderly Conduct, it shall be lawful for the Superintendant or Superintendants, having the Custody of any such Offender, to order such Whipping, or other moderate Punishment, to be inflicted upon him, as may be inflicted by Law on persons committed to a House of Correction for Hard Labour. s. 55.

Every offender, at the end of his confinement, shall receive a sum of money, not less than 20s. nor more than 3l. with decent clothing.

Every Offender who shall be delivered to such Superintendant or Superintendants to be kept to Hard Labour in manner aforesaid, shall at the end of the Term of such Service, and upon being restored to his Liberty, receive from the Superintendant or Superintendants, under whom he shall have so served, such Sum of Money, not being less than Twenty Shillings, nor more

than Three Pounds, in case he hath been confined for One Year, and so in proportion for any shorter Term, together with such decent Clothing, as the Court into which such Returns shall be made, as herein-after mentioned, shall appoint: And if any such Offender, whilst confined to Hard Labour in manner aforesaid, shall by his Industry and other good Behaviour shew such Signs of Reformation as shall induce the said Court to recommend him as an Object of his Majesty's Mercy, and it shall be thereupon signified by a Letter from one of his Majesty's Principal Secretaries of State, to the Superintendant or Superintendants as aforesaid, that his Majesty thinks fit, in consideration of such good Behaviour, to shorten the duration of such Offender's Term, such Offender shall be accordingly set at Liberty at the Time mentioned in such Letter, and shall, together with necessary Clothing, receive a Sum of Money from his Superintendant or Superintendants, in proportion to the Time of his Confinement, according to the Rates aforesaid; and any such Offender so dismissed at the end or other determination of his Term, who shall procure any reputable Master of a Ship, or Tradesman, or other substantial Housekeeper, to take him into Service, or provide him with proper Employment for One Year then next ensuing, the same to be approved by such Superintendant or Superintendants, and who shall serve accordingly, shall be entitled at the end of the Year to another Sum of Money, equal to that which was allowed him at the Time of his Dismission. 19 G. 3. c. 74. s. 56.

His Majesty, on the good behaviour of offenders, may shorten the term of their confinement.

Offenders, who shall continue in a reputable service for one year from the time of their dismission, to be entitled to a further sum of money.

Provided always, that no Offender shall be dismissed out of the Custody of the said Superintendant or Superintendants, at the End or other Determination of his Term, unless at his own Request, if he shall then labour under any acute or dangerous Distemper, nor until he can be safely discharged. s. 57.

Offenders labouring under acute distempers not to be dismissed, unless they desire it.

In case any of the said Offenders shall happen to die in the Custody of such Superintendant or Superintendants as aforesaid, they shall be buried in the most commodious Places adjacent to the several Rivers, Ports, Harbours, and Havens, in or near which they shall have been respectively employed, according to the Form for Burial prescribed by the Liturgy of the Church of England; and the necessary Charges of such Funerals, and also of the Coroners who shall sit on the Bodies of the Offenders so dying in such Custody, together with the necessary Expences of providing such Chaplains, Surgeons, and Apothecaries, as the said Superintendant or Superintendants shall find it expedient, or shall be required by the Court into which such Returns as are herein

Directions relative to the burial of offenders who shall die in custody of the superintendants.

after mentioned shall be made from Time to Time to employ in attending the Offenders in his or their Custody or Custodies shall be paid by such Superintendant or Superintendants, and brought to Account in Manner herein-after mentioned. s. 58.

Superintendant, in the treatment and employment of offenders, to observe the directions before given to the governors of the penitentiary houses, &c.

Every such Superintendant shall, in the Custody, Treatment, and Employment of the Offenders committed to his Care, conform to and observe the several Directions herein-before given for regulating the Conduct of the Governors of the said Penitentiary Houses, so far as the Nature of the Service in which the said Offenders shall be employed, and their different Places and Modes of Confinement, will permit, and so far as is consistent with the other Regulations and Orders contained in this Act with respect to the said Offenders. s. 60.

Governors and superintendants to keep regular books; from which returns are to be made, the first day of every term, to the court of King's Bench, specifying the names and offences, &c. of all persons committed to their custody.

The Superintendants of the Places of Confinement to be appointed by virtue of this Act, shall keep a regular Book or Books, for the Purposes herein-after mentioned; and from thence, from Time to Time, shall make true and just Returns, specifying the Names of all and every the Person or Persons who shall be committed to their Custody, the Offences of which they shall have been guilty, the Court before which each Person was convicted, the Sentence of the Court, the Age, bodily Estate, and Behaviour of every such Convict while in Custody, and also the Names of all and every the Person or Persons who shall have died under such Custody, or shall have escaped from such Place of Confinement, or shall have been discharged from thence by Order from One of his Majesty's principal Secretaries of State, or otherwise; which Returns shall be made, the First Day of every Term, to his Majesty's Court of King's Bench, and shall be verified on the Oath of the Person making the same. s. 61.

His Majesty may appoint an Inspector of the penitentiary houses, &c.;

And be it further enacted, That it shall and may be lawful for his Majesty to appoint One fit and able Person to be Inspector of the Two Penitentiary Houses to be erected by virtue of this Act, and of the several Ships and Vessels to be employed on the River Thames for the Confinement of Offenders as aforesaid, and of all other Gaols and Places of criminal Confinement within the City of London and County of Middlesex; which Inspector shall personally visit and inspect every such Place of Confinement Once at least in every Quarter of a Year, or oftener, if occasion shall require, and shall diligently examine into the several Particulars herein-before directed to be returned to his Majesty's Court of King's Bench, and also into the State of the Buildings, the Behaviour and Conduct of the respective Officers, the Treatment and Condition of the Prisoners, the Amount of the several

who shall visit and inspect every such place of confinement once a quarter,

Earnings, and the Expences attending every such Place of Confinement, and shall make a faithful Report of the same to both Houses of Parliament, at the beginning of every Session, and also in Matters of extreme or pressing Necessity, shall and may make a special Report thereof to the Justices of his Majesty's Court of King's Bench, who shall immediately take Order therein, and regulate or redress the same; and such Inspector shall continue in such Office during his Majesty's Pleasure, and shall receive such Salary as his Majesty shall appoint, not exceeding Two hundred Pounds per Annum. 19 G. 3. c. 74. s. 63.

and make a faithful report of the state thereof to both Houses of Parliament, at the beginning of every session.

The Expences of carrying this Act into Execution, not hereinbefore specially provided for, shall be annually laid before the House of Commons, and after deducting thereout the Nett Profits, if any, arising from the Earnings of the Offenders who shall be kept to hard Labour in any of the Places of Confinement to be appointed by virtue of this Act, shall be provided for in the next Supplies to be granted to his Majesty by Parliament. s. 64.

Expences of executing this Act to be laid annually before the House of Commons, &c.

If any Person who shall be ordered to hard Labour in any of the Places of Confinement to be appointed by virtue of this Act, instead of being capitally punished, shall, at any Time during the Term for which he or she shall be so ordered to Confinement, break Prison or escape from the Place of his or her Confinement, or in his or her Conveyance to such Place of Confinement, or from the person or persons having the lawful Custody of such Offender, he or she so breaking Prison, or escaping, shall be guilty of Felony, without Benefit of Clergy; but in case he or she so breaking Prison, or escaping, hath been ordered to hard Labour instead of Transportation, he or she shall be punished by an Addition of Three Years to the Term for which he or she, at the Time of his or her Breach of Prison or Escape, was subject to be confined; and if such person, so punished by such Addition to the Term of Confinement, shall afterwards be convicted of a Second Escape or Breach of Prison, he or she shall be adjudged guilty of Felony, without Benefit of Clergy. s. 65.

Punishment of persons ordered to hard labour who shall break prison, or escape from lawful custody.

If any person shall rescue any Offender, who by force of this Act, or any Part of it, shall be ordered to hard Labour, in any Place of Confinement appointed by virtue of this Act, either during the Time of his or her Conveyance to the Place appointed for such hard Labour, or whilst such Offender shall be in the Custody of the person or persons under whose Care and Charge he or she shall be so confined; or if any Person shall be aiding or assisting in any such Rescue; every such person so rescuing,

If any person shall rescue, or attempt to rescue any offender ordered to hard labour;

or any person having the custody of such offender shall voluntarily permit his escape; or any other person shall be assisting therein;

every such person shall be guilty of felony.

Method of trial and conviction of offenders for making escape, or breaking prison; and of persons for assisting therein.

Copy of clerk of assizes certificate shall be evidence of the former conviction, &c.

aiding, or assisting, shall be guilty of Felony, and may be ordered to hard Labour in any Place of Confinement appointed by virtue of this Act, for any Term not less than One nor exceeding Five Years: And if any Person having the Custody of any such Offender as aforesaid, or being employed by the person having such Custody, as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, shall voluntarily permit such Offender to escape; or if any Person whatsoever shall, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, be in any Manner aiding and assisting to any such Offender in any Escape, or in any Attempt to make an Escape, though no Escape be actually made, or shall attempt to rescue any such Offender, or be aiding and assisting in any such Attempt, though no Rescue be actually made, every such Person so permitting, attempting, aiding, or assisting shall be guilty of Felony; and if any Person having such Custody, or being so employed by the Person having such Custody as aforesaid, shall negligently permit any such Offender to escape, such person so permitting shall be guilty of a Misdemeanor; and, being lawfully convicted of the same, shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court. 19 G. 3. c. 74. s. 66. (1)

And, to the intent that the Prosecutions for Escapes, Breaches of Prison and Rescues, may be carried on with as little trouble and expence as is possible; be it further enacted, that any Offender escaping, breaking Prison, or being rescued in manner aforesaid, may and shall be tried before the Justices of Oyer and Terminer or Gaol Delivery, or at the Great Sessions for the County where he or she shall be apprehended and retaken; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping, or attempting to escape, or having broke Prison, or been rescued, or against any other person or persons concerned therein, or aiding, abetting, or assisting the same, a Copy properly attested of the Certificate herein-before directed to be given to the Sheriff or Gaoler by the Clerk of the Assize, or other Clerk for the time being of the Court in which such Offender shall be convicted, and by such Sheriff or Gaoler to be delivered, together with the Offender, to such Governor or Superintendant as aforesaid, and by such Governor or Superintendant to be transmitted to the Clerk of the Peace, to be filed with the Records of the Sessions, shall, after proof made that the person then in question before

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(1) And see title ESCAPES AND PRISON BREACH, Part the First of this Work, page 213.



the Court is the same that was delivered with such Certificate, be sufficient Evidence to the Court and Jury, not only of the nature and fact of the Conviction itself, and the species of Confinement to which such person was ordered, but also that the person then in question is the same that was so convicted and ordered to such confinement. s. 67.

The Statute 30 G. 3. c. 47. recites the effect of the Statute 24 G. 3. st. 2. c. 56. and that "it would greatly advance the design of the Sentences carried into execution under the said Act, or which hereafter may be passed and carried into execution, that the Governor, or (in case of his death or absence) the Lieutenant Governor for the time being, of such the place or places as aforesaid, should have power and authority to remit or shorten the time or term for which such Felons and Offenders as aforesaid have been or shall hereafter be transported, in cases where it shall appear that such Felons or other Offenders are proper objects of the Royal Mercy;" and then enacts, that it shall be lawful for his Majesty, his Heirs and Successors, at all times by his or their Commission under the Great Seal of Great Britain, to authorize and empower the Governor or the Lieutenant Governor for the time being of such place or places as aforesaid, or of any of them, by an Instrument in Writing under the Seal of the Government in which the place or places as aforesaid are or shall be situated, to remit either absolutely or conditionally the whole or any part of the time or term for which any such Felons or other Offenders aforesaid shall have been or shall hereafter be respectively conveyed and transported to such place or places as aforesaid; and that such Instrument or Instruments shall have the like force and effect to all intents and purposes as if his Majesty, his Heirs and Successors, had in such cases respectively signified his or their Royal Intention of Mercy under his or their Sign Manual.

The governor, &c. of places to which felons are transported may remit part of their term.

Whereas there are many idle persons who are under the age of 21 years lurking about in divers parts of London and elsewhere who want employment, and may be tempted to become thieves if not provided for; and whereas they may be inclined to be transported and to enter into services in some of his Majesty's Colonies and Plantations in America; but as they have no power to contract for themselves, and therefore that it is not safe for Merchants to transport them or take them into such services, be it enacted, that where any person of the age of 15 years or more and under the age of 21, shall be willing to be transported and to enter into any service in any of his Majesty's Colonies or Plantations in America, it shall and may be lawful for

Merchants or others may contract in writing with infants between 15 and 21 to serve them in America for any term not exceeding eight years.

Party binding himself to acknowledge the same before a magistrate.

Tenor of the contract to be certified to the sessions.

any Merchant or other to contract with any such person for any such service, not exceeding the term of Eight Years, provided such person so binding him or herself, do come before the Lord Mayor of London, or some other Justice of the Peace of the City, if such Contract be made within the same, or the Liberties thereof, or before some other two Justices of the Peace of the place where such Contract shall be made, if made elsewhere, and before such Magistrate or Magistrates acknowledge such Consent, and do sign such Contract in his or their presence, and with his or their approbation; and that then it shall be lawful for any such Merchant or other to transport such person so binding him or herself, and to keep him or her within any of the said Plantations or Colonies according to the tenor of such Contract as aforesaid, any Law or Statute to the contrary notwithstanding; which said Contract and Approbation, with the tenor of such Contract, shall be certified by such Magistrate or Magistrates to the next General Quarter Sessions of the Peace held for that County where such Magistrate or Magistrates shall reside, to be registered by the Clerk of the Peace without Fee or Reward. 4 G. 1. c. 11. s. 11.

55 G. 3. c. 156. so far as relates to repeal of 24 G. 3. st. 2. c. 56. continued.

Provisions of 24 G. 3. c. 56. valid in relation to Proceedings commenced before act of last session.

The Statute 55 G. 3. c. 156. s. 1. repealed the Statute 24 G. 3. st. 2. c. 56. and the Statute 56 G. 3. c. 27. (which is intituled "An Act to amend several Laws relative to the Transportation of Offenders,") recites (by s. 1.) the Statute 55 G. 3. c. 156., and that "it is expedient that the Regulations and Provisions of the said Act, and that certain of the Provisions of Two several Acts, passed in the Nineteenth and Twenty-fifth Years respectively of the Reign of his present Majesty, [19 G. 3. c. 74. 25 G. 3. c. 46.] relating to the Transportation and Removal of Offenders, should be continued;" and then enacts, that the said recited Act of the last Session of Parliament shall be and the same is hereby continued, so far as relates to the repeal of the said therein recited Act of the Twenty-fourth Year of his present Majesty, [24 G. 3. st. 2. c. 56.]

Provided always, that it shall be lawful for any Court or Judge, or Justice or Justices, duly authorized in that behalf, to carry into execution the Provisions of the said Act of the Twenty-fourth Year of the Reign of His present Majesty, in relation to the Transportation, Removal, or Confinement of any Offender, convicted and sentenced before the passing of the said recited Act of the last Session of Parliament, or to the continuing of any proceedings commenced before the passing of the said Act, notwithstanding the repeal of the said Act of the Twenty-fourth

Year aforesaid, or to proceed in relation to any such Offender, or in relation to the continuing any such Proceedings under the Provisions of this Act, as to such Court, Judge, Justice or Justices, shall seem most expedient; any thing in the said recited Act of the last Session of Parliament, or this Act, contained to the contrary notwithstanding. 56 G. 3. c. 27. s. 2.

From and after the passing of this Act, it shall be lawful for the Court before which any person or persons shall have been or shall be convicted at any Session of Oyer and Terminer or Gaol Delivery, or at any Quarter or other General Session of the Peace to be holden for any County, Riding, Division, City, Town, Borough, Liberty, or Place, within that part of Great Britain called England, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, of Grand or Petit Larceny, or any other Offence for which such person or persons shall have been or be subject to be transported, to order and adjudge, or any subsequent Court holden at any Place for the same County, Riding, Division, City, Town, Borough, Liberty, or Place respectively, with like authority, to order and adjudge, that such person or persons so convicted as aforesaid, shall be transported beyond the Seas for any term not exceeding the number of years or term for which such person or persons is or are or shall be liable by any law to be transported; and in every such case it shall and may be lawful for his Majesty, by and with the advice of his Privy Council, to declare and appoint any other Place or Places, part or parts beyond the Seas, in addition to such as shall have been heretofore declared and appointed by his Majesty for that purpose, either within his Majesty's Dominions, or elsewhere out of his Majesty's Dominions, to which any such Felons or other Offenders shall be conveyed or transported; and such Court as aforesaid is hereby authorized and required to order such Offenders to be transferred to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such Transportation; and when his Majesty, his Heirs and Successors, shall be pleased to extend Mercy to any Offender or Offenders, who hath or have been or shall be convicted of any Crime or Crimes for which he, she, or they is, are, or shall be by law excluded from the Benefit of Clergy, upon condition of Transportation to any Place or Places, part or parts beyond the Seas, either for a term of Life or any number of years, and such intention of Mercy shall be signified by one of his Majesty's Principal Secretaries of State, it shall be lawful for any Court, having

Persons convicted in England, Chester, or Wales of any crime punishable by transportation, may be transported accordingly;

and His Majesty may appoint places.

proper authority, to allow such Offender or Offenders the Benefit of a conditional Pardon, and to order such Offender or Offenders to be transported for such term of Life or Years as shall be specified in such condition of Transportation as aforesaid, and to make such Order of Transfer as aforesaid; and when any Offender or Offenders hath or have been or shall be convicted of any Crime or Crimes for which he, she, or they is or are by Law excluded the Benefit of Clergy, the Judge before whom such Offender or Offenders shall be convicted, or any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer of the degree of the Coif, in case the said Offender or Offenders shall have been tried in any Court of Oyer and Terminer or Gaol Delivery in England, or any Justice of Chester or Wales, in case the said Offender or Offenders shall be tried and convicted within any of their respective Jurisdictions, shall, on such intention of Mercy as aforesaid being signified to him by one of the said Principal Secretaries of State, make an Order for the immediate Transportation of such Offender or Offenders, and for such Offender or Offenders to be transferred as aforesaid, in the same manner as if such intention of Mercy had been signified by one of the said Principal Secretaries of State during the continuance of the Assizes or Sessions at which such Offender or Offenders was or were condemned; and such Order shall be considered as an Order made at such Assizes or Sessions as aforesaid, and shall be as effectual and have all the same consequences as any Order for the Transportation of any Offender or Offenders made by any Justice of Oyer and Terminer, Great Session, or Gaol Delivery for any County, City, Liberty, Borough, or Place, during the continuance of the Assizes or Sessions; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such Order of Transfer as aforesaid, shall have a property in the service of such Offender or Offenders, for such term of Life or Years for which such Offender or Offenders shall have been ordered to be transported. 56 G. 3. c. 27. s. 3.

Clerks of Assize, &c. shall be paid the same fee as heretofore, on order of transportation.

The Clerk of Assize, Clerk of the Peace, or other Clerk of the Court, shall be paid by the Treasurer of the County, Riding, Division, City, Liberty, Borough, Town or Place, the same Fee as hath been usually paid, or such Clerk of Assize, Clerk of the Peace, or other Clerk of the Court is entitled to, for the Order of Transportation of any Offender. s. 4.

Persons undertaking to transport offenders, shall give proper security.

Every Person or Persons to whom any such Offender or Offenders shall be transferred as aforesaid, shall, before any of them shall be delivered over to him or them to be transported,

give Security that he or they will transport, or cause to be transported effectually, such Offender or Offenders to such Place or Places, Part or Parts beyond the Seas respectively, as shall be appointed by His Majesty in such manner as aforesaid, and procure such Evidence as the Nature of the Case will admit, of the landing of such Offender or Offenders so transferred as aforesaid, in that Place or Part or those Places or Parts beyond the Seas, whereto he, she, or they shall be ordered to be transported (Death and Casualties by Sea excepted); and that he, she, or they shall not be suffered to return to Great Britain or Ireland by the wilful Default of the Person or Persons so contracting as aforesaid, or of his or their Assigns. s. 5.

Every such Court as aforesaid may appoint Two Justices of the Peace for the County, Riding, Division, City, Liberty, Borough, or Place where such Offender or Offenders shall have been convicted, who shall have Power, and are hereby required to contract with any Person or Persons who shall be nominated by one of his Majesty's Principal Secretaries of State for the Performance of the Transportation of such Offender or Offenders, and to order such Security to be taken as aforesaid; and also to cause such Offender or Offenders to be delivered by the respective Gaolers or Persons in whose Custody he, she, or they shall be, to the Person or Persons contracting, or to his or their Assigns; which Contracts and Security shall be certified by the Justices who shall make and take the same to the next Court to be holden, with the like Authority, for the said County, Riding, Division, City, Liberty, Borough, or Place, to be filed and kept among the Records of such Court; and all Securities for Transportation shall be by Bond in the Name of the respective Clerks of the Peace, or other Clerks of the Court, who shall prosecute such Bonds in their own Names; for which Purpose every such Clerk of the Peace, or Clerk of the Court, and his Successors respectively, shall be deemed a Body Corporate, and shall have and be paid all such Costs as they shall sustain in any such Suit, as the Justices of the Peace shall at their General Quarter Sessions of the Peace direct, out of the Public Stock; and all Monies recovered on such Bonds shall be for the Use of the respective County, Riding, Division, City, Liberty, Borough, or Place, and be paid to their respective Treasurers, to be part of the Public Stock; and all Charges in or about making the Contracts, taking Securities, and conveying Felons and other Offenders in order to be transported, shall be borne by each County, Riding, Division, City, Liberty, Borough, or

Court may appoint justices to contract for transportation of offenders, on security by bond.

Place for which the Court was held which ordered such Offenders to be transported; and the respective Treasurers shall, by Order of the Justices in Quarter Sessions, pay all such Charges to the Persons employed. 56 G. 3. c. 27. s. 6.

Persons contracting to transport offenders, may carry them through any county to the seaport.

The Person or Persons so contracting as aforesaid, and to whom any Offender or Offenders shall be delivered in order to be transported, or any Person or Persons directed by the said Justices (empowered to contract as aforesaid) or their Assigns, may in such Manner as they shall think fit, carry and secure the said Offenders in and through any County of Great Britain, towards the Seaport or Place from whence they are to be transported; and if any Person or Persons shall rescue such Offenders or any of them, or assist them or any of them in making their Escape from such Person or Persons as shall have them in their Custody as aforesaid, he, she, or they shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony without Benefit of Clergy. s. 7.

Persons found at large before the expiration of sentence shall suffer death.

If any Offender or Offenders who shall have been or shall be so ordered by any such Court as aforesaid to be transported, or who shall have agreed or shall agree to transport himself or herself on certain Conditions, either for Life or any Number of Years, under the Provisions of the said recited Act of the Twenty-fourth Year aforesaid, or of the said recited Act of the last Session of Parliament, or any other Act or Acts of Parliament, to any such Place or Places, Part or Parts, as shall have been or shall be appointed by his Majesty in manner aforesaid, shall be afterwards at large within any part of the United Kingdom of Great Britain and Ireland, without some lawful cause, before the expiration of the term for which such Offender or Offenders shall have been ordered to be transported, or shall have so agreed to transport himself or herself as aforesaid, every such Offender being at large as aforesaid, being thereof lawfully convicted, shall suffer Death as in cases of Felony, without Benefit of Clergy; and such Offender or Offenders may be tried either before the Justices of Assize, Oyer and Terminer, Great Sessions or Gaol Delivery, for the County, City, Liberty, Borough, or Place where such Offender or Offenders shall be apprehended and taken, or from whence he, she, or they were ordered to be transported; and the Clerk of the Assize, Clerk of the Peace, or other Officer or Clerk of the Court having the Custody of the Records where such Order of Transportation shall be made, shall, at the Request of the Prosecutor, or any other Person on his Majesty's Behalf, make out and give a Certificate in Writing



signed by him, containing the effect and substance only (omitting the formal part) of every Indictment and Conviction of such Offender or Offenders, and of the Order for his or her Transportation, to the Justices of Assise, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such Offender or Offenders shall be indicted (not taking for the same more than Six Shillings and Eight-pence) which Certificate shall be sufficient Proof of the Conviction and Order for the Transportation of such Offender or Offenders; and whoever shall discover and prosecute to Conviction any such Offender or Offenders so being at large as aforesaid, shall be entitled to a Reward of Twenty Pounds for every such Offender so convicted, and shall have such Certificate to receive the same as any person or persons may be entitled unto for the apprehending and prosecuting to Conviction persons who have committed any Robbery upon the Highway: Provided nevertheless, that his Majesty, his Heirs and Successors, may pardon and dispense with such Transportation, and allow of the Return of any such Offender or Offenders to this Kingdom. s. 8.

20l. reward for discovering and convicting such offender.

From and after the passing of this Act, it shall be lawful for his Majesty, from time to time, by an Order in Writing to be notified by one of the said Principal Secretaries of State, or for any three or more of such of his Majesty's Justices of the Peace acting in and for the County, Riding, Division, City, Borough, Liberty, or place in which any Gaol shall be situated, as shall be authorized by his Majesty under his Sign Manual, to direct the Removal of any Male Offender or Offenders who shall be under Sentence of Death, but reprieved during his Majesty's Pleasure, or under Sentence or Order of Transportation, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol or Prison in which such Offender or Offenders shall be confined, to such Place of Confinement within England or the Dominion of Wales, either at Land or on board any Ship or Vessel to be provided by his Majesty in the River Thames or any navigable or other River, or within the limits of any Port or Harbour of England or Wales, as his Majesty, or any three of such Justices authorized as aforesaid, shall from time to time appoint, under the Management of a Superintendant and Overseer to be appointed by his Majesty, or any three or more of such Justices authorized as aforesaid; and every Offender who shall be so removed shall continue in the said Place of Confinement, or be removed to and confined in any other such place or places as aforesaid, as his Majesty,

His Majesty may order the removal of male prisoners.

or any three or more of such Justices authorized as aforesaid, from time to time shall appoint, until such Offender shall be transported according to Law, or, by the Expiration of the Term of such Transportation or otherwise, shall be entitled to his Liberty, or until his Majesty, or any three or more of such Justices so authorized as aforesaid, shall direct the Return of such Offender to the Gaol or Prison from which he shall have been so removed; and the Sheriff or Gaoler having the Custody of any Offender whose removal shall be ordered in manner aforesaid, shall with all convenient Speed, after the Receipt of the Notification of any such Order, convey or cause to be conveyed every such Offender to the place appointed, and there deliver him to such Superintendant or Overseer, together with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court before which such Offender was tried, containing the Sentence of Transportation of each such Offender respectively, by virtue whereof he shall be in the Custody of such Sheriff or Gaoler; and also a Certificate containing his Age, and an Account of his Behaviour in Prison before and after his Trial, and the Gaoler's Observations on his Temper and Disposition, and such Information concerning his Connexions and former Course of Life as may have come to the Gaoler's Knowledge; and such Superintendant or Overseer as aforesaid shall give a proper Receipt in Writing to the Sheriff or Gaoler for the Discharge of such Sheriff or Gaoler. 56 G. 3. c. 27. s. 9.

Accustomed  
fees and expen-  
ces of removal  
shall be paid.

All such Fees, on the delivering out of Custody of any such Offender so ordered to be removed, as have usually been paid and would have been due to the Sheriff or Gaoler in case such Offender had been removed in order to have been transported, and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal, shall be paid by the County, Riding, Division, City, Borough, Liberty, or place for which the Court in which the Offender was convicted shall have been held; and the Sheriff or Gaoler shall receive the Money due for such Expences from the Treasurer of such County, Riding, Division, City, Borough, Liberty, or place, such Fees and Expences being first allowed by the Order of the Justices of the Peace, at their Quarter or other General Sessions of the Peace, who are hereby required to make such Order as shall be just in that behalf. s. 10.

Regulations for  
cleansing and  
purifying and  
clothing offen-  
ders.

Where any Offender shall be brought to any such Place of Confinement as aforesaid, in pursuance of the Powers contained in this Act, he shall be washed, cleansed, and purified, and the

Clothes in which he shall be then clothed shall be burnt if necessary, or otherwise shall be preserved and taken care of for him by the Overseer of the Place of Confinement, and re-delivered to him upon his quitting it, or sold for his Benefit, and the Produce thereof accounted for to him by the Overseer aforesaid; and when such Offender shall be finally discharged, either at the end or other determination of his Term, such other decent Clothing as shall be judged necessary and proper by the Superintendant aforesaid, shall be delivered to such Offender by the Overseer of the Place of Confinement from which he is discharged, and also such Sum of Money for his immediate Subsistence, as the said Superintendant shall think proper, so as such Sum shall not in any case exceed Three Pounds. s. 11.

After the Removal of any Offender under this Act, the Superintendant or Overseer who shall have the Custody of him, shall during the term of such Custody have the same Powers over him as are incident to the Office of a Sheriff or Gaoler, and in like manner be answerable for any Escape of such Offender; and also during such Custody shall see him fed and clothed according to a Scale of Diet and Clothing to be fixed on, and notified in Writing by one of his Majesty's Principal Secretaries of State to the Superintendant; and shall keep such Offender to Labour, at such places and under such Regulations, Directions, Limitations, and Restrictions, as his Majesty, or any three or more of such Justices so authorized as aforesaid, shall from time to time, by any Order to be directed to such Superintendant or Overseers for their Instruction, appoint: And it is hereby declared, that the time during which any Offender shall have continued in Gaol under Sentence of Transportation, or being removed under the Provisions aforesaid, shall continue confined by virtue of this Act, shall be taken and reckoned in Discharge or part Discharge or Satisfaction of the term of his Transportation. s. 12.

Overseers shall have the same power as gaolers.

Time of imprisonment to be deemed part of term.

If any Offender shall, during such Custody under this Act, be guilty of any Misbehaviour or disorderly Conduct, it shall be lawful for such Superintendant or Overseer having the Custody of such Offender, to inflict or cause to be inflicted such moderate Punishment or Correction as may be inflicted by Law on persons committed to a House of Correction; and if any such Offender shall break from or unlawfully escape from the Custody of such Superintendant or Overseer, or if any person shall rescue or attempt to rescue, or assist in rescuing any such Offender from

Overseers may inflict moderate punishment for misbehaviour.

Escape or rescue how to be punished.

such Custody, or shall convey or cause to be conveyed any Disguise, Instrument for effecting Escape, or Arms, to such Offender, every such Offence shall be punishable in the same manner as if such Offender had been confined in a Gaol or Prison in the Custody of the Sheriff or other Gaoler, for the Crime of which such Offender shall have been convicted. 56 G. 3. c. 27. s. 13.

Superintendent shall make returns of prisoners.

The Superintendent of the several Places of Confinement to be appointed by virtue of this Act, shall from time to time make Returns, specifying the name of every person in Custody in each of such Places of Confinement, the Offence of which he or she shall have been guilty, the Court before which he or she shall have been convicted, and the Sentence of such Court, together with his or her Age and bodily State, and his or her Behaviour whilst in Custody; and also the Names of such Offenders who shall have died whilst in such Custody, or shall have escaped or have been lawfully discharged from the same; which Returns shall be made on the first Day of every Easter Term, and the first Day of every Michaelmas Term, to his Majesty's Court of King's Bench at Westminster, on the Oath of the Overseer of such respective Places of Confinement, such Oath to be made before the said Court, or any Commissioner authorized to take Affidavits in the same. s. 14.

Appointment of superintendent.

It shall and may be lawful for his Majesty to appoint one fit and able person to be Superintendent of any Place or Places of Confinement, either at Land or on board any Ship or Vessel, to which any such Offenders shall be removed by virtue of this Act; and in case it shall be deemed expedient, it shall and may be lawful for his Majesty to appoint one fit and proper person to be Assistant or Deputy to the said Superintendent at each or any of the said Places of Confinement, and to be constantly resident at or near such Place or Places of Confinement; and also one proper person to be Overseer on board each such Ship or Vessel, who, with a sufficient number of Officers and Guards, shall constantly reside on board; and such Superintendent shall personally visit and inspect such Places of Confinement four times in every Year, or oftener if occasion shall require, and shall distinctly examine into the State of such Places of Confinement, the Behaviour and Conduct of the respective Assistants or Deputies, Overseers, Officers and Guards, the Treatment and Condition of the Prisoners, and the Amount of the several Earnings, and the Expences attending every such Place of Confinement, and

shall make a faithful Report of the same to his Majesty's Principal Secretary of State for the Home Department, who shall cause such Report to be laid before both Houses of Parliament, at the beginning of every Session; and such Superintendant shall distinguish in such Report the Amount of the Earnings and Expences at each of such Places of Confinement, and shall state the average Number of Prisoners confined therein, and the Number of Days Labour done by such Prisoners, distinguishing the Work of Artificers from that of common Labourers; and such Superintendant shall also, in matters of extreme necessity, make a Special Report thereof to his Majesty's said Principal Secretary of State, who may, if he shall see fit, submit such Special Report to the Justices of his Majesty's Court of King's Bench, who are hereby authorized to afford such Redress or provide such Regulations as they shall deem proper; and such Superintendant, Assistant or Deputies respectively, and Overseers, shall continue in Office during his Majesty's Pleasure, and shall receive such Salaries as his Majesty shall appoint; and such Superintendant shall be paid such travelling and other reasonable Expences as shall be incurred by him in Discharge of his Duty. s. 15.

If any Offender hath already been ordered to be transported to any part beyond Seas, or if any Order shall at any Time hereafter be made for the Transportation of any Offender, and such Order cannot be conveniently executed with respect to the Place in such Order mentioned, it shall be lawful for the Court of King's Bench, or (in the Vacation Time and out of Term) for any Two Justices of the Court of King's Bench, Common Pleas, or Barons of the Court of Exchequer of the degree of the Coif, to order that such Offender shall be transported to any other Part or Place beyond the Seas, which shall have been appointed by his Majesty for the Transportation of such Offenders, in such and the like manner, and for the same Term of Years as such Offender is or shall be liable to be transported to the Place mentioned in the original Sentence or Order for his or her Transportation; and such Order shall be considered as made at the same time, and shall be as effectual to every intent and purpose, and shall have all the same consequences in every respect as the original Order for the Transportation of such Offender; and such Offender shall be transferred, conveyed, and made over to any person who will contract for the performance of such Transportation, and to his or their Assigns, in like manner as if such Offender had been transported to the Place mentioned in the

Judges may alter sentences of transportation.

original Order of Transportation; and such person or persons so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer as aforesaid, shall have a property in the Service of the said Offender for the remainder of the Term for which the Offender was originally ordered to be transported; and in case any such Offender so ordered for Transportation shall be afterwards at large within any part of the Kingdom of Great Britain, without some lawful cause, before the Expiration of the Term for which such Offender shall have been ordered to be transported, every such Offender, being thereof lawfully convicted, shall suffer Death as in cases of Felony without Benefit of Clergy, and shall be tried before such Judges, and in such manner, and the same Evidence made use of for his or her Conviction, as is or shall be directed by the Laws now in being or hereafter to be made for the Trial of other Offenders who shall be at large within this Kingdom before the Expiration of the Term for which they were ordered to be transported; and whoever shall discover and prosecute to Conviction any such Offender so being at large within this Kingdom as aforesaid, shall be entitled to a Reward of Twenty Pounds for every such Offender so convicted, and shall have such Certificate to receive the same, as any person may be entitled to for the apprehending and prosecuting to Conviction persons who have committed any Robbery upon the Highway. s. 16.

Account of expences shall be annually laid before parliament.

The expences of carrying this Act into execution, as far as the same relates to the Removal of Prisoners convicted, and remaining in Custody under Sentence of Death, and respited during his Majesty's Pleasure, or under Sentence or Order of Transportation to other Places of Confinement, and which are not otherwise provided for, shall be annually laid before both Houses of Parliament, and shall be provided for in the next Supplies to be granted to his Majesty by Parliament. s. 17.

General issue.

If any Suit or Action shall be prosecuted against any person or persons for any thing done in pursuance of this Act, such person or persons may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her or their Action or Actions after issue joined, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants



shall recover Treble Costs, and have the like Remedy for the same as any Defendants have by Law in other cases; and notwithstanding a Verdict shall be given to any Plaintiff in such Action or Suit as aforesaid, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be, shall certify his Approbation of the Verdict. s. 18. Treble costs.

All Actions, Suits, and Prosecutions to be commenced against any person or persons for any thing done in pursuance of this Act, shall be laid and tried in the County and Place where the fact was committed, and shall be commenced within Six Calendar Months after the fact committed, and not otherwise. s. 19. Limitation of actions and venue.

And be it further enacted, that so much of an Act passed in the Nineteenth Year of the Reign of his present Majesty, [19 G. 3. c. 74.] as relates to Transportation beyond Seas, and so much of an Act passed in the Twenty-fifth Year of the Reign of his present Majesty [25 G. 3. c. 46. (as to Scotland)] as authorizes the Removal of Offenders to temporary Places of Confinement, which were continued by subsequent Acts of the Twenty-eighth, Thirty-fourth, Thirty-ninth, Forty-second, Forty-sixth, Fifty-third and Fifty-fourth Years respectively of the Reign of his present Majesty, until the Twenty-fifth Day of March One thousand eight hundred and fifteen, and until the end of the then next Session of Parliament, shall be and the same is hereby continued for the Term herein-after mentioned. s. 20. Continuance of certain provisions of 19 G. 3. c. 74. and 25 G. 3. c. 46.

This Act shall continue and be in force until the First Day of May One thousand eight hundred and twenty-one, and no longer. s. 21. Continuance of present Act.

The Statute 59 G. 3. c. 101. intituled "An Act to enlarge the powers of an Act, &c." [56 G. 3. c. 27.] recites that "by several Acts of Parliament passed in the Twenty-fourth, Fifty-fifth, and Fifty-sixth Years of his present Majesty's Reign, his Majesty hath been empowered, by and with the Advice of his Privy Council, to declare and appoint Places and Parts beyond the Seas to which Felons and other Offenders convicted before certain Courts in England and Wales, and adjudged to be transported beyond the Seas, shall be transported;" and that "by the said Act of the Fifty-sixth Year aforesaid [56 G. 3. c. 27.], certain provisions are now in force for regulating the mode of contracting for the Transportation of such Offenders, and for transporting them, and for their temporary Confinement on board of Ships and Vessels in Rivers, or within the Limits of any Port or Harbour in England or Wales, and for the Treatment of such

Convicts adjudged, by courts out of England, to transportation, and convicts pardoned on condition of transportation, may, when brought to England, be imprisoned on board of ships provided for the purpose, etc. until they shall be transported.

Offenders, and for their Punishment in case of their being found at large, without lawful cause, before the Expiration of the Term for which they shall have been ordered to be transported; and whereas by the Laws in force in some Parts of his Majesty's Dominions beyond England and Wales, Offenders convicted of certain Offences are liable to be punished by Transportation beyond the Seas, and other Convicts adjudged to suffer Death in such Parts of his Majesty's Dominions have received or may receive his Majesty's most gracious Pardon upon condition of Transportation beyond the Seas, and there may be no means of transporting such Convicts to any of the Places appointed by his Majesty in Council in that Behalf, without first bringing them to England;" and that such Convicts do not fall within the Provisions of the said recited Act of the Fifty-sixth Year aforesaid; and it is fit that further Provision in respect thereto should be made:" and then enacts, that whenever any Convict adjudged to Transportation by any Court or Judge in any Part of his Majesty's Dominions beyond England and Wales, or any Convict adjudged to suffer Death by any such Court or Judge, and pardoned on condition of Transportation, have been or shall be brought to England in order to be transported, it shall and may be lawful to imprison any such Offender in any Place of Confinement on board any Ship or Vessel provided under the authority of the said last-recited Act, until such Convict shall be transported, or by the Expiration of the Term of his Transportation, or otherwise, shall be entitled to his Liberty; and that one of his Majesty's Principal Secretaries of State shall appoint some person to contract for the Transportation of such Convict, which person shall contract accordingly, in like manner as Justices of the Peace are directed in and by the said last-recited Act to contract for the Transportation of Offenders convicted within their respective Jurisdictions; and that, so soon as every such Convict shall be imprisoned on board any such Ship or Vessel, all the Provisions, Rules, Regulations, Clauses, Authorities, Powers, Penalties, Matters, and Things contained in the said recited Act of the Fifty-sixth Year aforesaid, concerning the safe Custody, Confinement, Treatment, and Transportation of any Offender convicted in England or Wales, and concerning the Punishment of any such Offender being found at large before the Expiration of the Term of his Transportation, shall extend and be construed to extend to every Convict who may have been or may be hereafter adjudged to Transportation by

any Court or Judge in any Part of his Majesty's Dominions beyond England and Wales, and to every Convict adjudged by any such Court or Judge to suffer Death, and pardoned on Condition of Transportation, and brought to England in order to be transported, as fully and effectually to all Intents and Purposes as if such Convict had been convicted and sentenced at any Session of Gaol Delivery holden for any County within England.

Nothing in this Act contained shall extend or be construed to extend to any Conviction before any Court or Judge of those Parts of the United Kingdom called Scotland and Ireland. s. 2. Not to extend to convictions in Scotland and Ireland.

Continuance of Act until 1st May 1821 and no longer. s. 3.

## Treason.

And see Titles COIN, HOMICIDE, PIRACY, RELIGION.

- I. *The several Species of Treason, as declared and defined by Statute.*
- II. *Witnesses in cases of Treason.*
- III. *Trial.*
- IV. *Judgment.*
- V. *Outlawry.*
- VI. *Forfeiture.*
- VII. *Misprision of Treason.*

### I. *The several Species of Treason, as declared and defined by Statute.*

Item, whereas divers opinions have been before this time, *in what case Treason shall be said, and in what not*: The King, at the request of the Lords and of the Commons, hath made a Declaration in the manner as hereafter followeth; that is to say, When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his Queen, or of their Eldest Son and Heir, or if a Man do violate the King's Companion, or the King's Eldest Daughter unmarried, or the Wife of the King's Eldest Son and Heir; *or if a Man do levy War against our Lord the King in his Realm*, or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort, in the Realm or elsewhere, *and thereof be probably attainted of open Deed by the People of their Condition*. And if a Man counterfeit the King's Great or Privy Seal, or his Money; and if a Man bring False Money into this Realm counterfeit to the Money of

Kel. 20.  
3 Inst. 1. 6. 113.  
8 Co. 2. 10. 28.  
Dyer, 98. 296.  
298.  
Bro. Treason,  
1, 2, 3. 6, 7, 8,  
9. 11, 12, 13.  
15, 16. 19. 24.  
27. 30. 32.  
Co. Pla. 360.  
4 Co. 57.  
7 Co. 33.  
Dyer, 128. 332.  
13 Co. 54.  
Savil. 4.  
Fitz. Coron. 7.  
21C.  
12 Co. 16.  
Cro. Car. 117.  
332.  
Tr. of Earl  
Staff. 679.

What offences  
shall be adjudged  
high treason.

In cases of treason not here specified hereafter happening, judgement shall be respited till the cause be declared by the king and parliament.

*England*, as the Money called *Lushburgh*, or other like to the said Money of *England*, knowing the Money to be false, to merchandize or make Payment, in Deceit of our said Lord the King and of his People; and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices in Eyre or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices. And it is to be understood, that in the cases above rehearsed, that ought to be judged Treason which extends to our Lord the King and his Royal Majesty; and of such Treason the Forfeiture of the Escheats pertaineth to our Sovereign Lord, as well of the Lands and Tenements holden of other, as of himself. And moreover there is another manner of Treason, that is to say, when a Servant slayeth his Master, or a Wife her Husband, or where a Man secular or religious, slayeth his Prelate, to whom he oweth Faith and Obedience; and of such Treason the Escheats ought to pertain to every Lord of his own Fee. *And because that many other like cases of Treason may happen in time to come, which a Man cannot think nor declare at this present time; it is accorded, That if any other case, supposed Treason, which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to Judgment of the Treason till the cause be shewed and declared before the King and his Parliament, whether it ought to be judged Treason or other Felony.* And if percase any Man of this Realm ride armed covertly or secretly, with Men of Arms against any other, to slay him or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the Mind of the King nor his Council that in such case it shall be judged Treason, but shall be judged Felony or Trespass, according to the Laws of the Land of old time used, and according as the case requireth. And if in such case, or other like, before this time any Justices have judged Treason, and for this cause the Lands and Tenements have come into the King's Hands as Forfeit, the Chief Lords of the Fee shall have the Escheats of the Tenements holden of them, whether that the same Tenements be in the King's Hands or in others, by Gift or in other manner; saving always to our Lord the King the Year, and the Waste, and the Forfeitures of Chattels, which pertain to him in the cases above named; and that the Writs of *Scire Facias* be granted in such case against the Land Tenants without other original, and without allowing the Protection of our Lord the King in the said Suit; and that of the Lands which be in the King's Hands,

Writs be granted to the Sheriff of the Counties where the Lands be, to deliver them out of the King's Hands without Delay 25 Ed. 3. st. 5. c. 2.

It is accorded and assented by the King, the Lords and Commons, that in no Time to come any Treason be adjudged otherwise than it was ordained in the Statute in the Time of his noble Grandfather King Edward the Third, whom God assoil. 1 H. 4. c. 10.

Nothing shall be adjudged treason but what was so heretofore.

Breakers of Truce and Safe Conduct, and their aiders, shall be guilty of High Treason, by 2 H. 5. st. 1. c. 6.

4 Inst. 152. Breakers of truce guilty of treason.

The Statute 3 H. 7. c. 14. recites that forasmuch as by quarrels made to such as have been in great Authority, Office, and of Council with Kings of this Realm, so as it hath appeared evidently when compassing of the Death of such as were of the King's true Subjects was had, the destruction of the Prince was imagined thereby, and for the most part it hath grown and been occasioned by envy and malice of the King's own Household Servants, as now of late such a thing was likely to have ensued; and forasmuch as by the law of this if actual Deeds be not had, there is no remedy for such false compassings, imaginations, and confederacies, had against any Lord or any of the King's Council, or any of the King's great Officers in his Household, as Steward, Treasurer and Comptroller, and so great inconveniences might ensue if such ungodly demeaning should not be strictly punished before the actual Deed were done. Therefore it is ordained, that from henceforward the Steward, Treasurer and Comptroller of the King's House for the time being, or one of them, have full Authority and Power to enquire by twelve sad and discreet persons of the Cheque Roll of the King's honourable Houshold, if any Servant admitted to be his Servant in his House sworn, and his Name put into the Cheque Roll of his Houshold, whatsoever he be, serving in any Manner, Office, Place or Room reputed, had and taken under the State of a Lord, make any confederacies, compassings, conspiracies, or imaginations with any person or persons to destroy or murder the King or any Lord of this Realm, or any other person sworn to the King's Council, or Steward, Treasurer or Comptroller of the King's House, that if it be found afore the said Steward for the time being by the said Twelve sad men, that any such of the King's Servants as is abovesaid, hath confederated, compassed, conspired, or imagined as is aforesaid, that he so found by that Inquiry, be put thereupon to answer, and the Steward, Treasurer

3 Inst. 37, 38, 39.

Servants of the king's household conspiring to destroy the king or any lord or any of the privy council, declared guilty of felony.

Co. Ent. 482.  
174.

3 Inst. 7.

No person shall hereafter be charged with high treason or any other offence for serving the king for the time being.

and Comptroller, or two of them, have power to determine the same matter according to the Law; and if he put him in Trial, that then it be tried by other Twelve sad men of the same Houshold; and that such Misdoers have no challenge but for Malice; and if such Misdoers be found guilty by confession or otherwise, that the said Offence be judged Felony, and they to have Judgment and Execution as Felons attainted ought for to have by the common Law.

The King our Sovereign Lord calling to his remembrance the Duty of Allegiance of his Subjects of this his Realm, and that they by reason of the same are bound to serve their Prince and Sovereign Lord for the time being in his Wars for the Defence of him and the Land against every Rebellion, Power and Might reared against him, and with him to enter and abide in Service in Battle, if case so require; and that for the same Service, what fortune ever fall by chance in the same Battle against the Mind and Will of the Prince, (as in the Land some time past hath been seen), that it is not reasonable, but against all Laws, Reason and good Conscience, that the said Subjects going with their Sovereign Lords, in War attending upon him in his person, or being in other places by his commandment within this Land or without, any thing should lose or forfeit for doing their true Duty and Service of Allegiance; it is therefore enacted, that from henceforth no manner of person or persons, whatsoever he or they be, that attend upon the King and Sovereign Lord of this Land for the time being in his person, and do him true and faithful Service of Allegiance in the same, or be in other Places by his Commandment in his Wars within this Land or without, that for the said Deed and true Duty of Allegiance he or they be in no wise convict or attaint of High Treason, ne of other Offences for that cause, by Act of Parliament or otherwise by any Process of Law whereby he or any of them shall lose or forfeit Life, Lands, Tenements, Rents, Possessions, Hereditaments, Goods, Chattles or any other Things, but to be for that Deed and Service utterly discharged of any Vexation, Trouble or Loss; and if any Act or Acts or other Process of the Law hereafter thereupon for the same happen to be made contrary to this Ordinance, that then that Act or Acts, or other Processes of the Law, whatever they shall be, stand and be utterly void; provided always, that no person or persons shall take any benefit or advantage by this Act, which shall hereafter decline from his or their said Allegiance. 11 H. 7. c. 1.



From henceforth none act, deed or offence being by Act of Parliament or Statute made Treason, Pety Treason, or Misprision of Treason, by Words, Writing, CIPHERING, Deeds, or otherwise whatsoever, shall be taken, had, deemed, or adjudged to be High Treason, Pety Treason, or Misprision of Treason, but only such as be declared and expressed to be Treason, Pety Treason, or Misprision of Treason, in or by the Act of Parliament or Statute made in the Twenty-fifth Year of the Reign of king Edward the third touching or concerning Treason, or the Declarations of Treasons, and none other; nor that any Pains of Death, Penalty or Forfeiture in anywise ensue, or be to any Offender or Offenders for the doing or committing any Treason, Pety Treason or Misprision of Treason, other than such as be in the said Estatute ordained and provided.

1 Mar. st. 1. c. 1. s. 3.

No act shall be treason, petty treason, or misprision of treason, but such as is declared so by stat. 25 Ed. 3. st. 5. c. 2.

Reciting that the most antient Statutes being made by the Kings then reigning, not only attribute and refer all Prerogative, Power, and Jurisdiction unto the name of King, but also do give the Punishment of all Offenders against the Regality and Dignity of the Crown and the Laws unto the King, by occasion whereof ignorant persons may be hercafter induced and perswaded unto this error to think that her Highness could ne have or enjoy such like Royal Authority and Prerogative, ne execute all things concerning such Statutes, ne punish offenders against the Regality and Dignity of this Realm, and the dominions thereof, as the Kings of this Realm: for the avoiding and clear extinguishment of which said error or doubt, and for a plain declaration of the Laws in this behalf, be it enacted, that the Law of this Realm is and ever hath been and ought to be understood that the kingly or regal office of this Realm, and all Dignities, Prerogative Royal, Power, Preheminencies, Privileges, Authorities, and Jurisdictions thereunto annexed, united, or belonging, being invested either in male or female, are and be and ought to be as fully, wholly, absolutely, and entirely deemed, judged, accepted, invested, and taken in the one as in the other, so that what or whensoever Statute or Law doth limit and appoint that the King of this Realm may or shall have, execute, and do any thing as King, or doth give any profit or commodity to the King, or doth limit or appoint any pains or punishment for the conviction of offenders or transgressors against the Regality and Dignity of the King or of the Crown, the same the Queen (being supream Governess, Possessor, and Inheritrix to the Imperial Crown of this Realm, as our said

The royal power of this realm and all prerogatives of the same shall be as well in a queen as in a king.

Sovereign Lady the Queen most justly presently is) may by the same Authority and Power likewise have, exercise, execute, punish, correct, and do, to all intents, constructions, and purposes, without doubt, ambiguity, scruple, or question; any custom, usage, or scruple, or any other thing whatsoever to be made to the contrary notwithstanding. 1 Mar. st. 3. c. 1.

It shall be treason to maintain any foreign power.

To maintain the Authority of any Foreign Prince, Prelate, or other person, is made High Treason for the Third Offence by the Stat. 1 Eliz. c. 1. s. 30. See title FOREIGN POWER, where the Statute is inserted at large.

Extolling the pope.

It is High Treason a Second Time to maintain the Authority of the Bishop or See of Rome. 5 Eliz. c. 1. s. 10. See title RELIGION, VI. iv.

To withdraw or endeavour to withdraw any person from their allegiance shall be high treason.

3 Inst. 198.  
1 Leon. 239.

All persons which have or shall have, or shall pretend to have Power, or shall by any ways or means put in practice to absolve, perswade, or withdraw any of the Queen's Subjects, or any within her Realms or Dominions, from their natural Obedience to her Majesty, or to withdraw them *for that intent* from the Religion now established by her Authority within her Dominions to the Romish Religion, or to move them to promise any Obedience to any pretended Authority of the See of Rome, or of any other Prince, State, or Potentate, to be had or used within her Dominions, or shall do any overt Act to that intent or purpose; or if any person shall be willingly absolved or withdrawn as aforesaid, or willingly be reconciled, or shall promise any Obedience to any such pretended Authority, Prince, State, or Potentate; every such Person, his Procurers and Counsellors, shall be adjudged Traitors, and being lawfully convicted shall suffer and forfeit as in cases of High Treason. 23 Eliz. c. 1. 3 Jac. 1. c. 4. s. 22, 23.

Counsellors therein.

To conceal such treason shall be misprision.

Every person that shall wittingly be aiders or maintainers of such persons so offending as is above expressed, knowing the same, or which shall conceal any Offence as aforesaid, and shall not within Twenty Days after knowledge of such Offence disclose the same to some Justice of Peace or higher Officer, shall be judged and suffer and forfeit as Offenders in Misprision of Treason. s. 3.

But by s. 24. of 3 Jac. 1. c. 4. if any person who is reconciled to the See of Rome beyond the Seas return into this Realm, and submit himself, &c. and take the Oaths within Six Days after his return, he is excused.

Ecclesiastics ordained by the pope who shall

If any Ecclesiastic born in the Queen's Dominions, and made, ordained, or professed by Popish Authority, shall come into,

be, or remain in the Queen's Dominions, and not submit to some Bishop or Justice of the Peace within Three Days, and take the Oath, &c. he shall be guilty of High Treason. 27 Eliz. c. 2. s. 3.

not come into or remain in this kingdom shall be guilty of high treason.

If any Subject shall know that any such Priest is within the Realm, and not discover him to some Justice of the Peace, &c. within Twelve Days, he shall be fined and imprisoned; and if any Justice of the Peace to whom any such Matters shall be discovered shall not give Information to some of the Privy Council, &c. within Twenty-eight Days after, he shall forfeit 200 Marks. s. 13.

Penalty on persons knowing of and concealing such offence.

[This Statute seems to be provisionally repealed by s. 4. of 31 G. 3. c. 32. in respect of such as take the Oaths of Allegiance, Abjuration, and Declaration therein mentioned.]

If any person or persons at any time after 1st March 1702, shall endeavour to deprive or hinder any person who shall be next in succession to the Crown for the time being [according to the limitations in 1 W. & M. st. 2. c. 2. and 12, 13 W. 3. c. 2.] from succeeding, after the decease of her Majesty, to the Imperial Crown of this Realm, and the Dominions and Territories thereunto belonging, according to the limitations in the before mentioned Acts, and the same maliciously, advisedly, and directly shall attempt by any overt Act or Deed, every such Offence shall be adjudged High Treason, and the Offender or Offenders therein, their Abettors, Procurers, and Comforters, knowing the said Offence to be done, being thereof convicted or attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traitors, and shall suffer Pains of Death, and all Losses and Forfeitures, as in cases of High Treason. 1 Anne, st. 2. c. 17. s. 3.

Persons endeavouring (and attempting the same by any overt act) to prevent the successor to the throne from succeeding, shall be guilty of high treason.

If any Officer or Soldier of her Majesty's Army shall, either upon Land out of England or upon the Sea, hold correspondence with any Rebel or Enemy of her Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, or any manner of way whatsoever, or shall treat with such Rebels or Enemies, or enter into any Condition with them, without her Majesty's Licence, or Licence of the General, Lieutenant General, or Chief Commander, then every such person so offending shall be deemed and adjudged to be guilty of High Treason, and suffer such Pains and Penalties as in case of High Treason. 2, 3 Anne, c. 20. s. 34. (1)

Soldiers holding correspondence with enemies.

(1) This Statute appears to be now repealed by the later Enactments of the annual Mutiny Acts, which provide for the Punishment of this Offence. See title SOLDIERS.

Persons by writing or printing affirming the queen not to be lawfully so, or that the pretender has any right to the crown, or that the queen and parliament cannot make laws limiting the descent of the crown, declared guilty of high treason.

If any person or persons shall maliciously, advisedly, and directly, by Writing or Printing, maintain and affirm that our Sovereign Lady the Queen that now is, is not the lawful and rightful Queen of these Realms, or that the pretended Prince of Wales who now stiles himself King of Great Britain or King of England by the Name of James the Third, or King of Scotland by the Name of James the Eighth, hath any Right or Title to the Crown of these Realms, or that any other person or persons hath or have any Right or Title to the same, otherwise than according to the Acts of Parliament [1 W. & M. st. 2. c. 2. and 11, 12 W. 3. c. 2.], or that the Kings or Queens of this Realm, with and by the Authority of Parliament, are not able to make Laws and Statutes of sufficient force and validity to limit and bind the Crown, and the Descent, Limitation, Inheritance and Government thereof, every such person or persons shall be guilty of High Treason, and being thereof lawfully convicted shall be adjudged Traitors, and shall suffer Pains of Death, and all Losses and Forfeitures as in Cases of High Treason. 6 Ann. c. 7. s. 1.

Persons preaching, teaching, or affirming the same doctrines, liable to the penalties of præmunire.

If any person or persons shall maliciously, and directly by preaching, teaching, or advisedly speaking, declare, maintain, and affirm, that the Queen that now is, is not the lawful or rightful Queen of these Realms, or that the pretended Prince of Wales hath any Right or Title to the Crown of these Realms, or that any other person or persons hath or have any Right or Title to the same, otherwise than according to the Acts of Parliament [1 W. & M. st. 2. c. 2. and 11, 12 W. 3. c. 2.], and the Acts lately made in England and Scotland mutually for the Union of the Two Kingdoms, or that the Kings or Queens of this Realm, with and by the Authority of Parliament, are not able to make Laws and Statutes of sufficient force and validity to limit and bind the Crown, and the Descent, Limitation, Inheritance, and Government thereof, every such person and persons shall incur the Danger and Penalty of Præmunire, [mentioned in 16 R. 2. c. 5.]. 6 Ann. c. 7. s. 2.

No person shall be prosecuted by virtue of this Act for any Words spoken, unless the Information of such Words be given upon Oath to One or more Justice or Justices of the Peace within Three Days after such Words spoken; and the Prosecution of such Offence to be within Three Months after such Information; and that no person shall be convicted by virtue of this Act for any such Words spoken, but by the Oaths of Two credible Witnesses. s. 3.

The Statute 17 G. 2. c. 39. s. 1. recites the Statutes 13 W. 3. c. 3. and 7 Ann. c. 21., and that the eldest Son of the Pretender was lately arrived in the French Dominions, and had been received and encouraged by the French King, and enacts, that if any the Subjects of the Crown of Great Britain shall, within this Realm or without, hold, entertain, or keep any Intelligence or Correspondence in person, or by letters, messages, or otherwise, with the eldest Son or any other Son or Sons of the said Pretender, or with either or any of them, or with any person or persons employed by the said eldest Son or other Son or Sons of the said Pretender, or by either or any of them, knowing such person to be so employed, or shall, by Bill of Exchange or otherwise, remit or pay any Sum or Sums of Money for the use or service of the said eldest or other Son or Sons of the said Pretender, or of either or any of them, knowing such Money to be for such Use or Service, such person so offending, being lawfully convicted, shall be taken, deemed, and adjudged to be guilty of High Treason, and shall suffer and forfeit as in Cases of High Treason. Offences against this Act which shall be committed out of the Realm may be alledged, laid, enquired of, and tried in any County in England, or in any Shire or Stewartry in Scotland.

Persons holding correspondence, &c. with the sons of the pretender, &c. guilty of high treason.

The Statute 36 G. 3. c. 7. intituled “An Act for the Safety and Preservation of his Majesty’s Person and Government against treasonable and seditious Practices and Attempts,” reciting that “the Lords Spiritual and Temporal, and Commons, of Great Britain, in this present Parliament assembled, duly considering the daring Outrages offered to your Majesty’s most Sacred Person in your Passage to and from your Parliament at the Opening of this present Session, and also the continued Attempts of wicked and evil-disposed Persons to disturb the Tranquillity of this your Majesty’s Kingdom, particularly by the Multitude of seditious Pamphlets and Speeches daily printed, published, and dispersed, with unremitting Industry, and with a transcendent Boldness, in Contempt of your Majesty’s Royal Person and Dignity, and tending to the Overthrow of the Laws, Government, and happy Constitution of these Realms, have judged that it is become necessary to provide a further Remedy against all such treasonable and seditious Practices and Attempts; and calling to mind the good and wholesome Provisions which have at different Times been made by the Wisdom of Parliament for the averting such Dangers, and more especially for the Security and Preservation of the Persons of the Sovereigns of these Realms;

Persons who within the realm or without shall compass, devise, &c. the death or any bodily harm to or restraint, &c. of his Majesty or his heirs, or to depose them, or to levy war to compel a change of measures, &c. or to move any foreigner, &c. to invade the realm, and such compassing, &c. shall express by printing, &c. or any overt act, shall be guilty of high treason.

do most humbly beseech your Majesty that it may be enacted; and be it enacted, &c. that if any Person or Persons whatsoever, after the Day of the passing of this Act, during the natural Life of our Most Gracious Sovereign Lord the King, (whom Almighty God preserve and bless with a long and prosperous Reign), and until the end of the next Session of Parliament after a Demise of the Crown, shall, within the Realm or without, compass, imagine, invent, devise, or intend Death or Destruction or any bodily harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint, of the Person of the same our Sovereign Lord the King, his Heirs and Successors, or to deprive or depose him or them from the Stile, Honour, or Kingly Name of the Imperial Crown of this Realm, or of any other of his Majesty's Dominions or Countries; or to levy War against his Majesty, his Heirs and Successors, within this Realm, in order, by Force or Constraint, to compel him or them to change his or their Measures or Counsels, or in order to put any Force or Constraint upon, or to intimidate, or overawe both Houses, or either House of Parliament; or to move or stir any Foreigner or Stranger with force to invade this Realm, or any other his Majesty's Dominions or Countries, under the Obeisance of his Majesty, his Heirs and Successors; and such Compassings Imaginations, Inventions, Devices, or Intentions, or any of them, shall express, utter, or declare, by publishing any Printing or Writing, or by any overt Act or Deed; being legally convicted thereof, upon the Oaths of two lawful and credible Witnesses, upon Trial, or otherwise convicted or attainted by due Course of Law, then every such Person and Persons, so as aforesaid offending, shall be deemed, declared, and adjudged to be a Traitor and Traitors, and shall suffer Pains of Death, and also lose and forfeit as in cases of High Treason. s. 1.

This Section is, as far as relates to the Heirs and Successors of his Majesty the Sovereign of this Realm, made perpetual by Stat. 57 G. 3. c. 6. s. 1. and by s. 2. the Provisions in s. 1. of the above Act are extended to the Prince Regent. See the Act 57 G. 3. under this title, post.

Persons accused of treason to be entitled to benefit of 7 Gul. 3. c. 3. and 7 Ann. c. 21.

Provided always, that all and every Person or Persons that shall at any time be accused, or indicted, or prosecuted, for any Offence made or declared to be Treason by this Act, shall be entitled to the Benefit of the Act of Parliament made in the Seventh Year of his late Majesty King William the Third, [7 W. 3. c. 3.] and also to the Provisions made by another Act of Parliament, passed in the Seventh Year of her late Majesty Queen Anne. [7 Ann. c. 21.] s. 5.



The Statute 57 G. 3. c. 6. intituled, "An Act to make perpetual certain parts of an Act [36 G. 3. c. 7.], and for the safety and perservation of the person of his Royal Highness the Prince Regent against Treasonable Practices and Attempts," recites the first Section of 36 G. 3. c. 7., and that it is necessary and expedient that such of the Provisions of the said Act as would expire at the end of the next Session of Parliament after the Demise of the Crown should be further continued and made perpetual; and then enacts, that all and every the herein-before recited Provisions which relate to the Heirs and Successors of his Majesty, the Sovereigns of these Realms, shall be and the same are hereby made perpetual. s. 1.

Provisions of recited Act made perpetual.

And whereas, in consequence of the daring Outrages offered to the person of his Royal Highness the Prince Regent of the United Kingdom of Great Britain and Ireland, in the Exercise and Administration of the Royal Power and Authority to the Crown of these Realms belonging, in his passage to and from the Parliament, at the opening of this present Session, it is expedient, for the Security and Preservation of the person of the same his Royal Highness the Prince Regent, to extend certain of the Provisions of the said Act; be it therefore enacted, that if any person or persons whatsoever, after the day of passing this Act, during the period in which his Royal Highness the Prince Regent shall remain in the personal exercise of the Royal Authority, shall, within the Realm or without, compass, imagine, invent, devise, or intend Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint, of the person of the same his Royal Highness the Prince Regent, and such Compassings, Imaginations, Inventions, Devises, or Intentions, or any of them, shall express, utter, or declare, by publishing any Printing or Writing, or by any overt Act or Deed, being legally convicted thereof upon the Oaths of two lawful and credible Witnesses upon Trial, or otherwise convicted or attainted by due Course of Law, then every such person and persons so as aforesaid offending shall be deemed, declared, and adjudged to be a Traitor and Traitors, and suffer Pains of Death, and also lose and forfeit as in cases of High Treason. s. 2.

For better preservation of the person of His Royal Highness the Prince Regent.

And whereas it is expedient to extend the Provisions of a certain Act passed in the thirty-ninth and fortieth years of the Reign of his present Majesty, [39 and 40 G. 3. c. 93.]; be it therefore enacted, that from and after the passing of this Act, all and every the Clauses, Provisions, and Regulations in the said Act contained

Extending provisions of 39 & 40 G. 3. c. 93. to His Royal Highness the Prince Regent.

shall extend, and be deemed, taken, and construed to extend to all and every case of High Treason in compassing or imagining the Death of his Royal Highness the Prince Regent, and Misprision of such Treason, where the overt Act or overt Acts which shall be alleged in the Indictment for such Offence shall be Assassination or Killing of his Royal Highness the Prince Regent, or any direct Attempt against his Life, or any direct Attempt against his person whereby his Life may be endangered or his person may suffer bodily Harm. s. 3.

Persons accused of high treason entitled to the benefit of 7 W. 3. c. 3. and 7 Ann. c. 21. except in cases herein mentioned.

Provided, that all and every person and persons that shall at any time be accused, or indicted or prosecuted for any Offence made or declared to be High Treason by this Act, shall be entitled to the benefit of the Act made in the Seventh Year of his late Majesty King William the Third, [7 W. 3. c. 3.]; and also to the Provisions made by another Act, passed in the Seventh Year of her late Majesty Queen Anne, [7 Anne, c. 21.]; save and except in cases of High Treason in compassing or imagining the Death of any Heir or Successor of his Majesty, or the Death of his Royal Highness the Prince Regent, and of Misprision of such Treason, where the overt Act or overt Acts of such Treason which shall be alleged in the Indictment for such Offence shall be Assassination or Killing of any Heir or Successor of his Majesty, or Assassination or Killing of his Royal Highness the Prince Regent, or any direct Attempt against the Life of any Heir or Successor of his Majesty, or any such Attempt against the Life of the Prince Regent, or any direct Attempt against the person of any Heir or Successor of his Majesty, or against the person of the Prince Regent, whereby the Life of such Heir or Successor, or the Life of the Prince Regent, may be endangered, or the person of such Heir or Successor, or of the Prince Regent, may suffer bodily Harm. s. 4.

Not to affect prosecutions to which persons would be liable if this act had not passed.

Provided also, that nothing in this Act contained shall extend or be construed to extend to prevent or affect any Prosecution, by Information or Indictment, to which any person or persons would have been or would be liable if this Act had not been enacted, for any Offence within the Provisions of this Act, unless the party shall have been first prosecuted under this Act. s. 5.

54 G. 3. c. 146. as to judgements, extended to this act.

Provided also, that the Statute of the Fifty-fourth Year of his Majesty's Reign, [c. 146.] shall have the same effect as to Sentences and Judgments to be pronounced and awarded under this Act, as if this Act had been made and passed before the said Act of the Fifty-fourth Year of his Majesty's Reign. s. 6.

II. *Witnesses in Cases of Treason.*

No Person shall be indicted, arraigned, condemned, convicted or attainted for any Treasons or Offences that now be or hereafter shall be, which shall hereafter be perpetrated, committed, or done, unless the same Offender be thereof accused by Two lawful Accusers, which said Accusers, at the time of the Arraignment of the Party accused, if they be then living, shall be brought in Person before the Party so accused, and avow and maintain that that they have to say against the said Party, to prove him guilty of the Treasons or Offences contained in the Bill of Indictment laid against the Party arraigned; unless the said Party arraigned shall willingly without violence confess the same; saving to every Person, their Heirs and Successors, other than the Offenders and their Heirs, and such Person as claim to their Uses, all such Rights, Titles, Interest, Possessions, Leases, Rents, Reversions, Offices and other Profits which they or any of them shall have at the Day of committing such Treasons or at any time after. 5, 6 Ed. 6. c. 11. s. 12.

Two witnesses necessary in high treason, and to be produced before the party accused. Br. Coron. 219. R. v. Raleigh, 1 Jac. apud Winton.

No Person shall hereafter be indicted, arraigned, condemned, or convicted for any Treason, Petit Treason, Misprision of Treason, or for any Words to be spoken for which the same Offender or Speaker shall in anywise suffer any Pains of Death, Imprisonment, Loss or Forfeiture of his Goods, Chattels, Lands or Tenements, unless such Offender or Speaker be accused by two sufficient and lawful Witnesses, or shall willingly without Violence confess the same. 1 Ed. 6. c. 12. s. 22.

Upon trials for treason there shall be two witnesses, or a voluntary confession.

Upon the Arraignment of any Person which hereafter shall fortune to be arraigned for any Treason mentioned in this Act, all and every such Person or Persons (or two of them at the least) who shall hereafter write, declare, confess, or depose any thing against any Person to be arraigned, shall, if living and within this Realm, be brought forth in Person before the Party arraigned, if he require the same, and object and say openly in his hearing, what they or any of them can against him for or concerning any the Treasons contained in the Indictment whereupon the Party shall be so arraigned, unless the Party arraigned for any such Treason shall willingly confess the same at the time of his arraignment. 1, 2 P. & M. c. 10. s. 11.

Two witnesses necessary in treason, or a confession.

All and every Person and Persons that shall be accused and indicted for High Treason, whereby any Corruption of blood may or shall be made to any such Offender or Offenders, or to

Persons indicted for high treason or misprision shall have a copy

of the indictment;

and admitted to make their defence by witnesses on oath;

and have counsel assigned them by the court.

Persons outlawed on this statute, and reversing it, shall have the benefit of this act.

any the Heir or Heirs of any such Offender or Offenders, or for Misprision of such Treason, shall have a true Copy of the whole Indictment, but not the Names of the Witnesses (1) delivered unto them five (2) Days at the least before he or they shall be tried for the same, whereby to enable them respectively to advise with Counsel thereupon to plead and make their Defence, his or their Attorney or Attornies, Agent or Agents, or any of them requiring the same, and paying the Officer his reasonable Fees for writing thereof, not exceeding 5s. for the Copy of every such Indictment; and that every such Person so accused and indicted, arraigned or tried for any such Treason as aforesaid, or for Misprision of such Treason, shall be received and admitted to make his and their full Defence by Counsel learned in the Law, and to make any Proof that he or they can produce by lawful Witness or Witnesses, who shall then be upon Oath for his and their just Defence in that Behalf; and in case any Person or Persons so accused or indicted, shall desire Counsel, the Court before whom such Person or Persons shall be tried, or some Judge of that Court, shall and is hereby authorized and required immediately upon his or their request, to assign to such Person and Persons, such and so many Counsel, not exceeding two, as the Person or Persons shall require, to whom such Counsel shall have free access at all seasonable times. 7 W. 3. c. 3. s. 1.

Any Person or Persons being indicted as aforesaid, for any of the Treasons or Misprisions of the Treasons aforesaid, may be outlawed, and thereby attainted of or for any of the said Offences of Treason or Misprision of Treason; and in cases of the High Treasons aforesaid, where by the Law, after such Outlawry, the Party outlawed may come in and be tried, he shall upon such Trial have the Benefit of this Act. s. 3.

No person or persons whatsoever shall be indicted, tried, or attainted of High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or of Misprision of any such Treason, but by and upon the Oaths and Testimony of Two lawful Witnesses, either both of them to the same overt Act, or one of them to one and the other of them to another overt Act of the same Treason; unless the Party indicted and arraigned or tried shall willingly, without violence, in

(1) This is given by Statute 7 Ann. c. 21. s. 11. see post, page 1069.

(2) Ten Days, by 7 Ann. c. 21. s. 11. see post, page 1069.

open Court, confess the same, or shall stand mute, or refuse to plead, or in cases of High Treason shall peremptorily challenge above the Number of Thirty-five of the Jury. 7, 8 W. 3. c. 3. s. 2.

If Two or more distinct Treasons of divers heads or kinds, shall be alleged in one Bill of Indictment, one Witness produced to prove one of the said Treasons and another Witness produced to prove another of the said Treasons, shall not be deemed or taken Two Witnesses to the same Treason within the meaning of this Act. s. 4.

One witness to each of two or more distinct treasons in one indictment not sufficient.

No person shall be indicted, tried, or prosecuted for any Treason as aforesaid, or Misprision of such person, unless the same Indictment be found by a Grand Jury within Three Years after the Offence committed. s. 5. Except in Treason, by attempting Assassination of the King by Poison or otherwise, the Perpetrators of which may be prosecuted at any time. s. 6.

Limitation of prosecutions.

The Statute 20 G. 2. c. 30., entitled "An Act for allowing persons impeached of High Treason, whereby any Corruption of Blood may be made, or for Misprision of such Treason, to make their full Defence by Counsel," reciting that "it is thought reasonable that persons impeached by the House of Commons of High Treason, whereby any Corruption of Blood is made, or for Misprision of such Treason, should have the same Benefit and Advantage in making their Defence as they may have on Indictments or other Prosecutions," enacts, that after 1st June 1747, all and every person and persons whatsoever who shall be impeached by the Commons of Great Britain of any High Treason, whereby any Corruption of Blood may or shall be made to any such Offender or Offenders, or to any the Heir or Heirs of any such Offender or Offenders, or for Misprision of such Treason, shall be received and admitted to make his or their full Defence by Counsel learned in the Law, not exceeding two Counsel, who shall be assigned for that purpose on the Application of the Party or Parties impeached, at any time after the Articles of Impeachment shall be exhibited by the Commons.

Persons impeached by the House of Commons of high treason, working corruption of blood, or misprision of treason, may make their defence by counsel.

### III. Trial.

No Freeman shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free Customs, or be outlawed or exiled, or any otherwise destroyed, nor will we pass upon him or condemn him but by lawful Judgment of his Peers, or by the Law of the Land: We will sell to no Man, we will not deny or defer to any Man, either Justice or Right. 9 H. 3. c. 29.

None shall be imprisoned but by judgement of his peers.

Right and justice shall not be sold, denied, or deferred.

Magna Charta,  
cap. 29.

Whereas it is contained in the great Charter, amongst other things, in the Form which followeth: No Freeman shall be taken or imprisoned, or disseised of his Freehold or his Liberties, or free Customs, or shall be outlawed or banished, or in anywise destroyed, nor we will go upon him nor send upon him but by the lawful Judgment of his Peers, or by the Law of the Land; in which Statute is no mention made how Women, Ladies of great Estate in respect to their Husbands, Peers of the Land, married or sole, that is to say, Duchesses, Countesses, or Baronesses, shall be put to answer, or before what Judges that they shall be judged upon Indictments of Treasons or Felonies by them committed or done; in regard whereof it is a Doubt in the Law of *England*, before whom and by whom such Ladies so indicted shall be put to answer and be judged: Our said Lord the King, willing to put out such Ambiguities and Doubts, hath declared, by Authority aforesaid, that such Ladies so indicted, or hereafter to be indicted of any Treason or Felony by them done, or hereafter to be done, whether they be married or sole, that they thereof shall be brought to answer and put to answer, and judged before such Judges and Peers of the Realm, as other Peers of the Realm should be if they were indicted or impeached of such Treasons or Felonies done, or hereafter to be done, and in like Manner and Form, and none otherwise. 20 H. 6. c. 9.

6 Co. 52.  
Mode of trial of  
peeresses for  
treason or felony.

Where treasons,  
etc. committed  
out of England  
shall be tried.

13 Co. 54.  
1 Roll. 91, 2.  
Dyer, 131 b.  
1 Hal. P.C. 165.

Reciting that forasmuch as some Doubts and Questions have been moved that certain kinds of Treasons, Misprisions and Concealments of Treasons, committed out of the Realm of England and other the King's Dominions, cannot ne may by the Common Laws of this Realm be enquired of, heard, and determined within the said Realm of England; for remedy, order, and declaration therein, it is enacted, that all manner of Offences, being already made and declared, or hereafter to be made or declared by any of the Laws or Statutes of this Realm to be Treasons, Misprisions of Treasons, or Concealments of Treasons, and done, perpetrated, or committed, or hereafter to be done, perpetrated, or committed, by any person out of England, shall be from henceforth enquired of, heard, and determined before the King's Justices of his Bench for Pleas to be holden before himself, by good and lawful Men of the same Shire where the said Bench shall sit and be kept, or else before such Commissioners and in such Shire of this Realm as shall be assigned by the King's Commission, and by good and lawful Men of the same Shire, in like manner to all intents as if such Treasons, Misprisions of Treasons, or Concealments of Treasons



had been done, perpetrated, and committed within the same Shire where they shall be so enquired of, heard, and determined as is aforesaid. 35 H. 8. c. 2.

If any Peers of this Realm shall be indicted of any such Treasons or other Offences aforesaid by authority of this Act, that then after such Indictments they shall have their Trials by their Peers in such manner as hath heretofore been accustomed. s. 2.

Trial of peers.  
1 Bulst. 198.  
Dyer, 298. 361.

If any of the King's Subjects, Denizers or other, do commit or practise out of the limits of this Realm in any outward parts, any Offences which by any Act now in force have been made Treason, such Treasons, whatsoever they be, or wheresoever committed, shall be inquired and presented by the Oaths of Twelve lawful Men, upon good and probable Evidence and Witness, in such Shire and County of this Realm and before such Persons as shall be appointed by Commission under the Great Seal, in like manner as Treasons committed within the Realm have been used to be inquired of and presented; and upon every Indictment and Presentment found and made of such Treasons, and certified into the King's Bench, like process and other circumstances shall be there made and had against the Offenders as if the same Treasons had been lawfully found to be committed within this Realm. 5, 6 Ed. 6. c. 11. s. 6.

Treasons committed abroad shall be tried in this realm.

Every person and persons who shall be accused, indicted, and tried for such Treasons as aforesaid [i. e. wherein Corruption of Blood is not worked], or for Misprision of such Treason, shall have Copies of the Panel of the Jurors who are to try them, duly returned by the Sheriff, and delivered unto them and every of them so accused and indioted respectively Two Days at the least before he or they shall be tried for the same; and that all persons so accused and indioted for any such Treason as aforesaid, shall have the like Process of the Court where they shall be tried to compel their Witnesses to appear for them at any such Trial or Trials, as is usually granted to compel Witnesses to appear against them. 7, 8 W. 8. c. 3. s. 7.

Copies of the jury panel shall be delivered to the prisoners.

Enlarged by stat.

And process be granted to compel witnesses to appear on their behalf.

No Evidence shall be admitted or given of any overt Act that is not expressly laid in the Indictment against any persons or person. s. 8.

Evidence only of overt acts laid in the indictments.

No Indictment for any of the Offences aforesaid [i. e. Treason not working Corruption of Blood, or Misprision thereof], nor any Process or Return thereupon, shall be quashed on the Motion of his Prisoner or his Counsel for mis-writing, misspelling, false or improper Latin, unless exception concerning the same be taken and made in the respective Court where such

Indictment not to be quashed for mis-writing, &c. after evidence given;

but the party may sue his writ of error therefore.

Peers shall be summoned 20 days before the trial, and shall take the oaths, &c.

This act shall not extend to impeachments, &c.

nor to counterfeiting the coin, great seal, &c.

Trials for treason shall be had according to the common law.

Treasons committed by Scotchmen on the high seas or out of Great Britain may be tried in the justice court or before commissioners in Great Britain.

Trial shall be, by the Prisoner or his Counsel assigned, before any Evidence given in open Court upon such Indictment; nor shall any such mis-writing, mis-spelling, false or improper Latin, after Conviction on such Indictment, be any cause to stay or arrest Judgment thereupon; but nevertheless any Judgment given upon such Indictment shall and may be liable to be reversed upon a Writ of Error, in the same manner and no other than as if this Act had not been made. 7, 8 W. 3. c. 3. s. 9.

Upon the Trial of any Peer or Peeress, either for Treason or Misprision, all the Peers who have a right to sit and vote in Parliament shall be duly summoned Twenty Days at least before every such Trial, to appear at every such Trial; and that every Peer so summoned and appearing at such Trial shall vote in the Trial of such Peer or Peeress so to be tried, every such Peer first taking the Oaths mentioned in 1 W. & M. st. 1. c. 8. and subscribing and audibly repeating the Declaration mentioned in 30 Car. 2. st. 2. c. 1. This Act shall not extend to Impeachments or other Proceedings in Parliament. ss. 11, 12.

This Act shall not extend to any Indictment of High Treason, nor to any Proceedings thereupon, for counterfeiting the Coin, the Great Seal or Privy Seal, Sign Manual, or Privy Signet. s. 13.

All Trials hereafter to be had for any Treason, shall be had only according to the due course of the common Laws of this Realm, and not otherwise. 1, 2 P. & M. c. 10. s. 7.

All Treasons and Misprisions of Treasons which, from and after 1st July 1709, shall be committed or done by any native of Scotland upon the High Seas, or in any Place out of this Realm of Great Britain, shall be enquired of, heard and determined before the said Justice Court, or before such Commissioners of Oyer and Terminer, and in such Shire, Stewartry or County of Great Britain as shall be assigned by the Queen's Commission, and by good and lawful men of the same Shire, in like manner to all intents and purposes as if such Treasons or Misprisions of Treasons had been done or committed in the same Shire where they shall be enquired of, heard and determined as aforesaid; and that from and after [the same day] no person accused of any capital Offence or other Crime in Scotland, shall suffer or be subject or liable to any torture; provided that this Act shall not extend to take away that Judgment which is given in England against persons indicted of Felony who shall refuse to plead or decline Trial. 7 Ann. c. 21. s. 5.

After the Death of the Pretender, and at the end of three Years after the immediate Succession to the Crown, upon the Demise of her Majesty Queen Anne shall take effect, as the same stands limited by 1 W. & M. st. 2. c. 2. and 11, 12 W. 3. c. 2. when any person is indicted for High Treason or Misprision of Treason, a list of the Witnesses that shall be produced on the Trial for proving the said Indictment, and of the Jury, mentioning the Names, Profession, and Place of Abode of the said Witnesses and Jurors, be also given at the same Time that the Copy of the Indictment is delivered to the Party indicted; and that Copies of all Indictments for the Offences aforesaid, with such Lists, shall be delivered to the Party indicted Ten Days before the Trial, and in presence of two or more credible Witnesses; any Law or Statute to the contrary notwithstanding. 7 Ann. c. 21. s. 11.

Names, &c. of witnesses and jurors shall be delivered to the party charged with treason, &c. at the same time as the copy of the indictment is delivered.

The Stat. 6 G. 3. c. 53. s. 3. recites the eleventh Section of Stat. 7 Ann. c. 21., and then enacts, that nothing contained in the said recited Act shall anyways extend to any Indictment of High Treason for counterfeiting his Majesty's Coin, the Great or Privy Seal, his Sign Manual or Privy Signet, or to any Indictment of High Treason, or to any Proceedings thereupon against any Offender or Offenders who by any Act or Acts now in force is and are to be indicted, arraigned, tried and convicted by such like Evidence, and in such Manner as is used and allowed against Offenders for counterfeiting his Majesty's Coin.

To what treasons the stat. 7 Ann. c. 21. s. 11. shall extend.

The Statute 39, 40 G. 3. c. 93. recites that "it is expedient that in cases of High Treason in compassing or imagining the Death of the King, and of Misprision of such Treason, when the overt Act or overt Acts of such Treason alleged in the Indictment for such Offence shall be the Assassination or Killing of the King, or any direct attempt against his Life, or any direct attempt against his Person, whereby his Life may be endangered or his Person may suffer bodily harm, the Trial for such Offence shall not be different from Trials for Murder or wilful and malicious Shootings;" and enacts, that in all Cases of High Treason in compassing or imagining the Death of the King, and of Misprision of such Treason, where the overt Act or overt Acts of such Treason which shall be alleged in the Indictment for such Offence shall be Assassination or Killing of the King, or any direct attempt against his Life, or any direct attempt against his Person, whereby his Life may be endangered or his Person suffer bodily harm, the person or persons charged with such Offence shall and may be indicted, arraigned, tried and

In cases of high treason and misprision of treason where the overt act alleged in the indictment shall be assassination of the king or any direct attempt against his life or person, the indictment, trial, &c. shall proceed as in cases of murder, but judgment shall be given as in cases of high treason.

attainted in the same manner and according to the same course and order of Trial in every respect, and upon the like Evidence, as if such person or persons stood charged with Murder: and none of the Provisions contained in the several Acts of 7 Wm. 3. [c. 8.] and 7 Ann. [c. 21.] respectively, touching Trials in cases of Treason and Misprison of Treason respectively, shall extend to any Indictment for High Treason in compassing and imagining the Death of the King, or for Misprison of such Treason, where the overt Act or overt Acts of such Treason alleged in the Indictment shall be such as aforesaid; but upon Conviction on such Indictment, Judgment shall be nevertheless given and Execution done, as in other cases of High Treason; any Law, Statute or Usage to the contrary notwithstanding.

#### IV. Judgment.

What judgment shall be given against women convicted of high or petit treason;

The Statute 38 G. 3. c. 48. intituled "An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof," recites that it is expedient that the Judgment which has been required by Law to be given and awarded against any Woman or Women in the cases of High Treason or of Petit Treason should be no longer continued; and then enacts, that from and after the Fifth Day of June One thousand seven hundred and ninety, the Judgment to be given and awarded against any Woman or Women convicted of the Crime of High Treason, or of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, shall not be, that such Woman or Women shall be severally drawn to the Place of Execution, and be there burned to Death; but that such Woman or Women, being so convicted as aforesaid, shall be severally drawn to the Place of Execution, and be there hanged by the Neck until she or they be severally dead; any Law or Usage to the contrary thereof in anywise notwithstanding. s. 1.

and if convicted of petit treason, &c. shall be liable to such further pains, &c. as persons convicted of wilful murder are to suffer, as specified in 25 G. 2. c. 37.

If any Woman or Women shall be convicted of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, then and in every such case such Woman or Women shall be subject and liable to such further Pains and Penalties as are particularly specified and declared with respect to Persons convicted of wilful Murder, in an Act passed in the Twenty-fifth Year of the Reign of King George the Second, [25 G. 2. c. 37.]; and the Court before whom any such Woman

or Women shall be convicted, shall pass Sentence at such Time, and shall give such Orders with respect to the Time of Execution, the disposal of the Convict's Body after Execution, and all such other Matters and Things as are directed to be given by the said Act with respect to persons convicted of wilful Murder. s. 2.

Whenever any Woman or Women shall be convicted of the Crime of High Treason, or of the Crime of Petit Treason, or of abetting, procuring, or counselling any Petit Treason, and Judgment shall be given thereon according to the Directions of this Act, then and in every such case such Woman or Women, being so attainted of such Crimes respectively, shall be subject and liable to such and the like Forfeitures and Corruption of Blood, as they severally would have been in case they had been severally attainted of the like Crimes before the passing of this Act. s. 4.

Women convicted of high treason or petit treason, or of abetment, &c. thereof, shall be liable to the like forfeitures, &c. as heretofore.

The Statute 54 G. 3. c. 146. "to alter the Judgment in certain Cases of High Treason," recites that "in certain Cases of High Treason, as the Law now stands, the Sentence or Judgment required by Law to be pronounced or awarded against persons convicted or adjudged guilty of the said Crime, in such case is, that they should be drawn on an Hurdle to the Place of Execution and there be hanged by the Neck, but not until they are dead, but that they should be taken down again, and that when they are yet alive their Bowels should be taken out and burnt before their Faces, and that afterwards their Heads should be severed from their Bodies, and their Bodies be divided into Four Quarters, and their Heads and Quarters be at the King's disposal; and that it is expedient in the said Cases of High Treason to alter the Sentence or Judgment now required by Law;" and then enacts, that in all Cases of High Treason in which, as the Law now stands, the Sentence or Judgment ordained by Law is as aforesaid, the Sentence or Judgment to be pronounced or awarded from and after the passing of this Act, against any person convicted or adjudged guilty, shall be, that such person shall be drawn on an Hurdle to the Place of Execution, and be there hanged by the Neck until such person be dead, and that afterwards the Head shall be severed from the Body of such person, and the Body divided into Four Quarters, shall be disposed of as his Majesty and his Successors shall think fit.

The present sentence or judgement to be awarded upon conviction of high treason.

The second section declares and enacts, that in case his Majesty or his Successors shall so think fit, his Majesty or his Successors, after such Sentence or Judgment shall be pronounced or

His Majesty may vary such sentence.

awarded, may, by Warrant under his or their Sign Manual, countersigned by One of his Majesty's Principal Secretaries of State, declare it to be his or their will and pleasure, and may direct and order that such person as aforesaid shall not be drawn, but shall be taken in such manner as in the said Warrant shall be expressed, to the Place of Execution, and that such person shall not be there hanged by the Neck, but that instead thereof the Head shall be there severed from the Body of such person whilst alive, and in such Warrant may direct and order how and in what manner the Body, Head, and Quarters of such person shall be disposed of; and it shall be lawful for the Sheriff or other person or persons to whom such Warrant shall be addressed, and whom it shall concern, to carry the same into Execution accordingly.

#### *V. Outlawry.*

Outlawry against offenders being out of the realm.

All Process of Outlawry against Offenders in Treason, being resiant or inhabitant out of the limits of this Realm, or in any the parts beyond the Sea, at the time of the Outlawry pronounced against them, shall be as effectual in the Law as if such Offenders had been resident and dwelling within the Realm at the time of such Process awarded and Outlawry pronounced. 5, 6 Ed. 6. c. 11. s. 7.

The party so outlawed may yield himself within one year, and traverse.  
3 Inst. 216.  
3 Mod. 47.  
Dyer, 227. 289. 332.  
R. v. Armstrong,  
B. R. Trin.  
36 Car. 2.

Provided that if the Party so outlawed shall within One Year after such Outlawry pronounced or judgment given thereon yield himself to the Chief Justice of England, and offer to traverse the Indictment or Appeal whereon such Outlawry shall be pronounced, that he shall be received to such Traverse, and being thereupon found not guilty by Verdict, he shall be discharged of such Outlawry, and of all Penalties and Forfeitures by reason of the same. s. 8.

#### *VI. Forfeiture.*

3 Inst. 12.  
Fitz. Petition 2.  
Forfeitures for treason.

Reciting that the Commons had complained of Escheators which by colour of their Office had seised Lands and Tenements as forfeited to the King for Treason surmised in Dead persons which were never attainted of Treason in their lives, it is granted that all such Forfeitures fallen in the time of the King's Grandfather and all his Progenitors before, as soon as an Inquest shall be thereof returned in the Chancery by the Escheators, or other which have power to inquire, that the Tenant shall not be put out of his Possession, but shall be warned by Scire



**Facias** to be at a certain Day to answer to his Scribe **Facias**, if he will; and if any such Forfeiture be now or shall be seized of the same time, that the King's Hand shall be out thereof; so always that in all other cases of Forfeiture for Treason of dead persons not attainted or judged, or judged in their Lives, their Heirs, nor their Land Tenants, shall not be impeached nor challenged, nor of any other Forfeiture, except the Forfeiture in old time judged after the Death of the persons by Presentment in Eyre, or in the King's Bench, or of Felons of themselves or other. 84 Ed. 3. c. 12.

Every Offender lawfully convict of any manner of High Treason by Presentment, Confession, Verdict, or Process of Outlawry, according to the Laws of this Realm, shall lose and forfeit to the King, his Heirs and Successors, all such Lands, Tenements, and Hereditaments which any such Offender shall have of any Estate of Inheritance in his own right, in use or possession, within England or elsewhere within the King's Dominions, at the time of any such Treason committed or at any time after. 5, 6 Ed. 6. c. 11. s. 9.

Forfeiture in treason.  
2 Mod. 133.  
2 Roll. 325. 341.

The Wife, whose Husband hereafter shall be attainted of any Treasons, shall in nowise be received to ask, challenge, demand, or have Dower of any the Lands, Tenements, or Hereditaments of any the person to be attainted of Treason, during the said attainder in his force. 5, 6 Ed. 6. c. 11. s. 13.

The wife shall lose her dower in treason.  
Dyer, 97. 140.  
Stamf. Pl. Coron. 195.

By Statute 7 Anne, c. 21. it is provided, that after the Decease of the then Pretender, no Attainder for Treason shall extend to the Dishorison of any Heir, nor to the Prejudice of any other Person than the Traitor himself for his Life. The operation of this Provision was by Statute 17 G. 2. c. 39. s. 3. further suspended till the Death of the Pretender's Sons; but the Provision never took effect, and is now wholly repealed by the Act 39 G. 3. c. 93. which see ante, Division IV.

After the decease of Pretender, attainder for treason shall only extend to the dishorison of the heirs of the traitor.

## VII. *Misprision of Treason.*

Be it declared and enacted, that Concealment or keeping secret of any High Treason be deemed and taken only Misprision of Treason, and the Offenders to forfeit and suffer as in cases of Misprision of Treason hath heretofore been used. 1, 2 P. & M. c. 10. s. 8.

Concealment of high treason shall be only misprision.

As to Trials in Misprision of Treason, where the overt Act alledged shall be the Assassination of the King, or any direct attempt against his life, see the Statute 39, 40 G. 3. c. 93. ante, page 1069.

## Trial.

Notorious  
thieves shall  
have strong  
imprisonment.

It is provided that notorious Felons, and which openly be of evil name, and will not put themselves in Inquests of Felonies that Men shall charge them with before the Justices at the King's Suit, shall have strong and hard Imprisonment, as they which refuse to stand to the Common Law of the Land; but this is not to be understood of such Prisoners as be taken of light Suspicion. 3 Ed. 1. c. 12.

No one shall be  
taken but upon  
indictment of  
lawful men of  
the neighbour-  
hood.

Item, whereas it is contained in the Great Charter of the Franchises of England, that none shall be imprisoned nor put out of his Freehold, nor of his Franchises, or free Custom, unless it be by the Law of the Land; it is accorded, assented, and established, that from henceforth none shall be taken by Petition or Suggestion made to our Lord the King or to his Council, unless it be by Indictment or Presentment of good and lawful People of the same Neighbourhood where such Deeds be done, in due manner, or by Process made by Writ original at the Common Law; and if any thing be done against the same, it shall be redressed, and holden for none. 25 Ed. 3. st. 5. c. 4.

None shall be  
imprisoned, &c.  
but by due course  
of law.

No Man, of what Estate or Condition that he be, shall be put out of Land or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to Death, without being brought in Answer by due Process of Law. 28 Ed. 3. c. 3.

None shall be  
put to answer  
but by due  
process.

It is assented and concorded, that no Man be put to answer without Presentment before Justices or matter of Record, or by due Process and Writ original, according to the old Law of the Land; and if any thing from henceforth be done to the contrary, it shall be void in the Law and holden for error. 43 Ed. 3. c. 3.

## Turnpikes.

Persons wilfully  
pulling down,  
&c. or otherwise  
destroying any  
turnpike gate, or  
any post, fence,  
wall, bar, house,  
weighing engine,  
&c. used there-  
with, or rescuing  
any such offender,  
declared guilty  
of felony.

The Statute 13 G. 3. c. 84. "to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that part of Great Britain called England," by s. 42. "to prevent the malicious destroying of any Turnpike Gate or House which hath been or shall hereafter be erected," enacts, that if any person or persons whatsoever shall either by Day or Night wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences belonging to any Turnpike Gate, or any other

Chain, Bar, or Fence of any kind whatsoever, set up or erected or hereafter to be set up or erected, to prevent Passengers from passing by without paying any Toll laid or directed to be paid by any Act or Acts of Parliament made for that purpose; or any House or Houses erected or to be erected for the use of any such Turnpike Gate or Turnpike Gates; or any Crane, Machine, or Engine made or erected or to be made or erected on any Turnpike Road by Authority of Parliament for weighing Waggon, Carts, or Carriages, or shall forcibly rescue any person or persons being lawfully in Custody of any Officer or other person for any of the Offences before mentioned; that then and in any of the said cases every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to one of his Majesty's Plantations abroad for Seven Years, or shall be committed to Prison for any Time not exceeding Three Years, at the Discretion of the Judge or Court before whom such Offender shall be tried: And any Indictment for such Offences shall and may be inquired of, examined, tried, and determined in any adjacent County within that part of Great Britain called England, in such manner and form as if the Facts had been therein committed.

## Usury.

All former Statutes relating to Usury repealed. 37 H. 8. c. 9.

No person or persons shall by himself, his Factor, Attorney, Servant, or Deputy, sell his Merchandizes or Wares to any person or persons, and within Three Months next after, by himself, Factor, Attorney, Deputy, or by any other person or persons to his use and behoof, buy the same Merchandizes or Wares, or any Part or Parcel thereof, upon a lower Price, knowing them to be the same Wares or Merchandizes that he before did so bargain and sell, upon the Pains and Forfeitures hereafter limited in this Estatute. s. 2.

No person shall sell his merchandize and buy the same again within three months.

No person or persons shall by way or mean of any corrupt Bargain, Loan, Exchange, Chevisance, Shift, Interest of any Wares, Merchandizes, or other thing or things whatsoever, or by any other corrupt or deceitful way or mean, or by any Covin, Engin, or deceitful way or Conveyance, shall have, receive, accept, or take in lucre or gains for the forbearing or giving Day of Payment of one whole Year of and for his or their Money or other things that shall be due for the same Wares, Merchandizes, or other thing or things, above the Sum of *Ten Pound* in the Hundred, and so after that Rate, and not above, of and for a

No person shall take more than £10 for forbearance of £100 for one year.  
Cro. Jac. 252.  
5 Co. 69.

altered by  
21 Jac. 1. c. 17.  
12 Car. 2. c. 13.  
& 12 Ann. st. 2.  
c. 16. see post.

more or less Sum, or for a longer or shorter Time, and no more or greater Gain or Sum thereupon to be had, upon the Pains and Forfeitures hereafter in this Act mentioned and contained. s. 3.

The like interest only shall be taken upon the sale or mortgage of lands.

If any person or persons do bargain and sell or lay to Mortgage by any way or mean any Manors, Lands, Tenements, or Hereditaments, to any person or persons upon Condition of Payment or Non-payment of any Sum or Sums of Money to be had, paid, or made at any Day certain, or before any such Day, by him that shall so bargain, sell, or lay to Mortgage the same Manors, &c. that the same person to whom any such Manors, &c. shall be so bargained, sold, or laid to Mortgage, shall not by reason thereof have ne take in lucre or gains of the Issues, Revenues, and Profits of the same Manors, Lands, Tenements, or Hereditaments above the Sum of Ten Pound in the Hundred for one whole Year, and so after the Rate abovesaid for a more or lesser Sum or for a longer or shorter Time, and no more nor otherwise, upon the Pains, Forfeitures, and Penalties in this Statute hereafter limited. s. 4.

The penalties for taking more.

If any person or persons shall do any act or thing contrary to the tenor, form, and effect of this Statute, that then every such Offender shall forfeit for every such Offence the Treble Value of the Wares, Merchandizes, or other thing so bargained, sold, exchanged, or shifted, and the Treble Value of the Issues and Profits of the said Manors, &c. so had, taken, or received by reason of any such Bargain, Sale, or Mortgage, and also shall have and suffer Imprisonment of his body and make Fine and Ransom at the King's will; the moiety of which Forfeiture of the said Treble Value shall be to the King, and the other Moiety to the Party suing for the same in any of the King's Courts by Action, &c. s. 5. This Act shall not extend to any lawful Obligation indorsed with a Condition; nor for any Recognizance, &c. for payment of a lesser Sum, so that the same be made for a true Debt, or for Performance of any other true Covenant, other than in Cases of Usury Interest, corrupt Bargains, Shift, or Chevisance; nor to any Recovery, Fine, Reoffment, Release, Confirmation, or Grant, made upon Condition with a true Intent, and not upon Condition extending to Usury Interest, corrupt Bargains, Shifts, or Chevisance. s. 6.

Exception in favour of certain assurances.

The statute 5, 6 Ed. 6. c. 20. repealed, and the stat. 37 H. 8. c. 9. revived. 3 Inst. 151. 2 Roll. 240. Dyer, 376. Cro. Eliz. 20, 27. 1 Hawk. P.C. 81.

The above Statute of H. 8. was repealed by Stat. 5, 6. Ed. 6. c. 20. which repealing Act was repealed by the Stat. 13 Eliz. c. 8. and the former Act of H. 8. revived; and by the Stat. of 13 Eliz. all Bonds, Contracts, and Assurances, collateral or other, made for payment of any Principal or Money lent, or Covenant to be performed upon or for any Usury in lending or

doing of any thing against the said Act of H. 8., upon or by which Loan or doing there shall be reserved or taken above the rate of Ten Pounds for the Hundred for One Year, shall be utterly void. s. 3. All Brokers, Solicitors, and Drivers of Bargains for Contracts or other doings against the said Stat. of H. 8. whereupon shall be reserved or taken more than after the rate of Ten Pounds for the Loan of One Hundred Pounds for a Year, shall be to all intents punished as Counsellors, Attornies, or Advocates in any case of Præmunire. s. 4.

All usurious contracts and assurances shall be void. Brokers and drivers of usurious bargains. Noy, 2. Heltry, 25. Rast. 689.

All Usury Loan, and forbearing of Money, or giving Days for forbearing of Money, by way of Loan, Chevisance, Shifts, Sale of Wares, Contracts, or other doings whatsoever for gain, mentioned in the said Stat. (of H. 8.) wherever is not reserved or taken, or covenanted to be reserved, payed, or given to the Lender, Contractor, Shifter, Forbearer, or Deliverer, above the Sum of Ten Pounds for the loan or forbearing of One hundred Pounds, for One Year, or after that rate for a more or lesser Sum or Time, shall hereafter be punished as follows: every Offender against this Branch of this Statute, shall forfeit so much as was reserved by way of Usury above the Principal for any Money to be lent or forborn, to be recovered and imployed as directed by the Stat. of H. 8. s. 5.

No more than £10. for £100. by the year for forbearance of money shall be taken. Cro. Jac. 253. 5 Co. 69.

Justices of Oyer and Terminer, and of Assizes in their Circuits, Justices of Peace in Sessions, and Mayors, Sheriffs, and Bailiffs of Cities, shall hear and determine Offences. s. 6.

Who may hear and determine offences.

The Stat. of H. 8. shall be most largely and strongly construed for repressing Usury, and against persons offending against that Statute by any way or device, directly or indirectly. s. 7.

The stat. 37 H.8. c. 9. shall be strongly construed.

Not to extend to Allowances, &c. for Orphans in London or elsewhere. s. 8.

Offenders against the Stat. H. 8. may also be punished by the Ecclesiastical Courts, but Offenders against this Act can only be punished under this Act. s. 9. This Act of 13 Eliz. c. 8. was made perpetual by 39 Eliz. c. 18. s. 12.

Offenders against stat. may be punished also by ecclesiastical law

By the Stat. 21 Jac. 1. c. 17. the rate of Interest was reduced to Eight, and by 12 Car. 2. c. 13. to Six per Cent.

Whereas the reducing of Interest to Ten, and from thence to Eight, and from thence to Six in the Hundred, hath from Time to Time by experience been found very beneficial to the advancement of Trade and improvement of Lands; and whereas by reason of the great Interest and Profit which hath been made of Money at home, the foreign Trade of this Nation hath of late

No person shall take above £5. per cent. interest.

All bonds, &c. for securing a greater interest shall be void.

2 Burr. 716.  
891.  
Doug. 223. 708.  
Cowp. 112.  
770. 793.

Persons taking a higher rate of interest shall forfeit treble the value of the thing lent, &c.

Scriveners fees for procuring loans, &c.

Years been much neglected, and at this time there is a great abatement in the Value of the Merchandizes, Wares, and Commodities of this Kingdom, both at home and in foreign Parts whither they are transported; and for the redress of these Mischiefs, and preventing the increase of the same, it is absolutely necessary to reduce the high rate of Interest of Six Pounds in the Hundred Pounds for a Year, to a nearer proportion with the Interest allowed for Money in foreign States: be it therefore enacted, that no person or persons whatsoever, from and after 29 Sept. 1714, upon any Contract which shall be made after the same Day, take, directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the value of Five Pounds for the forbearance of One hundred Pounds for a Year, and so after that rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for Payment of any Principal or Money to be lent or covenanted to be performed upon or for any Usury, whereupon or whereby there shall be reserved or taken above the rate of Five Pounds in the Hundred, as aforesaid, shall be utterly void; and that all and every person or persons whatsoever which shall, after the Time aforesaid, upon any Contract to be made after the same Day, take, accept, and receive by way or means of any corrupt Bargain, Loan, Exchange, Chevisance, Shift, or Interest of any Wares, Merchandize, or any thing or things whatsoever, or by any deceitful way or means, or by any Covin, Engine, or deceitful Conveyance for the forbearing or giving Day of Payment for One whole Year of and for their Money or other thing, above the Sum of Five Pounds for the forbearing of One hundred Pounds for a Year, and so after that rate for a greater or lesser Sum, or for a longer or shorter Term, shall forfeit and lose for every such Offence the Treble Value of the Monies, Wares, Merchandizes, and other things so lent, bargained, exchanged, or shifted. 12 Ann. st. 2. c. 16.

All and every Scrivener and Scriveners, Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for Contracts, who shall, after the same Day, take or receive, directly or indirectly, any Sum or Sums of Money, or other Reward or Thing, for brokage, soliciting, driving, or procuring the Loan or forbearing of any Sum or Sums of Money, over and above the rate or value of Five Shillings for the Loan or forbearing of any One hundred Pounds for a Year, and so rateably, or above Twelve Pence over and above the Stamp Duties for



making or renewing of the Bond or Bill, for Loan or forbearing thereof, or for any Counterbond or Bill concerning the same, shall forfeit for every such Offence Twenty Pounds, with Costs of Suit, and suffer Imprisonment for Half a Year, one Moiety of the Forfeiture to the Queen, her Heirs and Successors, and the other Moiety to the Party suing for the same, by Action of Debt, &c. s. 2.

Penalty on them for acting contrary thereto.

## **Vagrants.**

(And see Title GAMING.)

The Statute 9 G. 2. c. 5. (s. 1, 2.) repeals the Statute 1 Jac. I. c. 12. except so much as repeals the Statute 5 Eliz. c. 15. and the Act of Scotland, 9 Mary, (Anentis Witchcrafts), and then by s. 1. enacts, that from and after the 24th June then next, no Suit or Proceeding shall be commenced or carried on against any person or persons for Witchcraft, Sorcery, Enchantment, or Conjuratation, or for charging another with any such Offence in any Court whatsoever in Great Britain.

No prosecution shall hereafter be had for witchcraft, &c.

And for the more effectual preventing and punishing any Pretences to such Arts or Powers as are before mentioned, whereby ignorant Persons are frequently deluded and defrauded; be it further enacted, that if any person shall, from and after the 24th Day of June next, pretend to exercise or use any kind of Witchcraft, Sorcery, Enchantment, or Conjuratation, or undertake to tell Fortunes, or pretend from his or their Skill or Knowledge in any occult or crafty Science, to discover where or in what manner any Goods or Chattels supposed to have been stolen or lost may be found; every person so offending, being thereof lawfully convicted on Indictment or Information in that part of Great Britain called England, or on Indictment or Libel in that part of Great Britain called Scotland, shall for every such Offence suffer Imprisonment by the space of One whole Year, without Bail or Mainprize, [and once in every Quarter of the said Year, in some Market Town of the proper County, upon the Market Day, there stand openly on the Pillory (1) by the space of One Hour]; and also shall (if the Court by which such Judgment shall be given shall think fit) be obliged to give Securities for his or her good Behaviour, in such Sum and for such Time as the said Court shall judge proper, according to the

The punishment of such persons as pretend thereto.

Bl. Com. vol. 4. p. 436.

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(1) This part of the Punishment is repealed by the general Words of the Statute 56 G. 3. c. 138. See title PILLORY.

27 G. 3. c. 1.  
s. 3.

Circumstances of the Offence, and in such case shall be further imprisoned until such Sureties be given. (1)

[Many of the Offences described in the above Act are comprehended within the larger Provisions of the Statute 17 G. 2. c. 5. which also prescribes a more summary mode of convicting and punishing such Offenders.]

Persons guilty of offences herein described, declared idle and disorderly persons.

The Statute 17 G. 2. c. 5. which is intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction," recites that "whereas the Number of Rogues, Vagabonds, Beggars, and other idle and disorderly Persons, daily increases, to the great Scandal, Loss, and Annoyance of the Kingdom;" and then "for Remedy thereof," enacts, that all persons who threaten to run away and leave their Wives or Children to the Parish; and all persons who shall unlawfully return to such Parish or Place from whence they have been legally removed by Order of Two Justices of the Peace, without bringing a Certificate from the Parish or Place wherunto they belong; and also all persons who, not having wherewith to maintain themselves, live idle without Employment, and refuse to work for the usual and common Wages given to other Labourers in the like Work, in the Parishes or Places where they then are; and also all persons going about from Door to Door, or placing themselves in Streets, Highways, or Passages, to beg or gather Alms in the Parishes or Places where they dwell, shall be deemed idle and disorderly persons; and it shall and may be lawful for any Justice of the Peace to commit such Offenders (being thereof convicted before him, by his own View, or by their own Confession, or by the Oath of one or more credible Witness or Witnesses) to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Month: And it shall and may be lawful for any person to apprehend, and

Any person may apprehend beggars.

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(1) The Statute 10 G. 2. c. 19. s. 1. enables the Chanceller or Vice Chanceller of either of the Two Universities of Cambridge or Oxford to commit to the House of Correction, within either of those Places, to hard Labour, or to the Common Gaol of the City or County of Oxford, or the Town or County of Cambridge, all Persons who shall, for gain, in any Playhouse, Booth, or otherwise, exhibit any Stage Play, Interlude, Shew, Opera, or other theatrical or dramatical Performance, or act any Part, or assist therein, within the Precincts of either of the said Universities, or within Five Miles of the City of Oxford or Town of Cambridge, and such Persons shall be deemed Rogues and Vagabonds.

carry before a Justice of the Peace, any such persons going about from Door to Door, or placing themselves in Streets, Highways, or Passages, to beg or gather Alms in the Parishes or Places where they dwell; and if they shall resist, or escape from the person apprehending them, they shall be subject to the same Punishment as Rogues and Vagabonds are made liable to by this Act: And it shall and may be lawful for the said Justice, by Warrant under his Hand and Seal, to order any Overseer of the Poor of the Parish or Place where such Offender shall be apprehended, to pay the Sum of Five Shillings to any person or persons in any such Parish or Place so apprehending them, for every Offender so apprehended; which Sum shall be allowed to such Overseer in his Account, he producing the Justice's Order, and a Receipt under the Hand of the person or persons to whom such Sum was paid; but if such Overseer shall neglect or refuse to pay the said Sum, the said Justice, on Oath thereof made, may, by Warrant under his Hand and Seal, order the same to be levied by Distress and Sale of the Goods of such Overseer; and the Overplus (if any) after the Charges of such Distress satisfied, shall be returned to such Overseer, who in such case shall not be allowed the Sum so levied in his Account. s. 1.

Five shillings-  
reward for  
apprehending  
offenders.

Penalty on over-  
seer not paying  
the reward.

All Persons going about as Patent-gathers, or Gatherers of Alms, under Pretences of Loss by Fire, or other Casualty; or going about as Collectors for Prisons, Gaols, or Hospitals; all Fencers, and Bearwards; all common Players of Interludes, and all Persons who shall for Hire, Gain, or Reward, act, represent, or perform, or cause to be acted, represented, or performed, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, not being authorized by Law; all Minstrels, Jugglers; all Persons pretending to be Gypsies, or wandering in the Habit or Form of Egyptians, or pretending to have Skill in Physiognomy, Palmestry, or like crafty Science, or pretending to tell Fortunes, or using any subtil Craft to deceive and impose on any of his Majesty's Subjects, or playing or betting at any unlawful Games or Plays; and all Persons who run away and leave their Wives or Children, whereby they become chargeable to any Parish or Place; and all Petty Chapmen and Pedlars wandering abroad, not being duly licensed, or otherwise authorized by Law; and all Persons wandering abroad, and lodging in Alehouses, Barns, Outhouses, or in the open Air, not giving a good Account of themselves; and all Persons wandering abroad and begging, pretending to

Persons guilty of  
other offences  
herein specified,  
declared to be  
rogues and  
vagabonds.

be Soldiers, Mariners, Seafaring-men, or pretending to go to work in Harvest: and all other Persons wandering abroad and begging, shall be deemed Rogues and Vagabonds within the true intent and meaning of this Act. 17 G. 2. c. 5. s. 2. . . .

Act not to extend to certain soldiers and mariners.

Provided always, that this Act, or any thing herein contained, shall not extend or be construed to extend to Soldiers wanting Subsistence, having lawful Certificates from their Officers or the Secretary at War, or to Mariners or Seafaring-men licensed by some Testimonial or Writing under the Hand and Seal of some Justice of the Peace, setting down the Time and Place of their Landing or Discharge, and the Place to which such Soldiers or Mariners are to pass, and the Names of the chief Towns or Places through which they are to pass, and limiting the Time of such their Passage, while they continue in the direct Way to the Place to which they are to pass, and during the Time so limited; or to any Person or Persons going abroad to work at any lawful Work in the Time of Harvest, so as he, she, or they carry with him, her, or them a Certificate in Writing, signed by the Minister and one of the Churchwardens or Chapelwardens, or one of the Overseers of the Poor for the Time being, of the Parish, Chapelry, or Place where they shall respectively inhabit, declaring that he, she, or they hath or have a Dwelling House or Place there, in which he, she, or they inhabit. s. 3.

Persons guilty of certain other offences, declared to be incorrigible rogues and vagabonds.

All End-gatherers offending against an Act made in the Thirteenth Year of his late Majesty King George the First, [13 Geo. 1. c. 23.] being convicted of such Offence; and all Persons apprehended as Rogues and Vagabonds, and escaped from the Persons apprehending them, or refusing to go before a Justice or Justices of the Peace, or to be examined upon Oath before such Justice or Justices, or refusing to be conveyed by any such Pass as is herein-after directed, or knowingly giving a false Account of themselves on such Examination, after warning given them of their Punishment; and all Rogues or Vagabonds who shall break or escape out of any House of Correction, before the Expiration of the Term for which they were committed or ordered to be confined by virtue of this Act; and all Persons who after having been punished as Rogues and Vagabonds, and discharged, shall again commit any of the said Offences, shall be deemed Incorrigible Rogues within the true Intent and Meaning of this Act. s. 4.

Any person may apprehend offenders against this act.

If any Person shall be found offending against this Act, it shall and may be lawful for any Person whatsoever to apprehend the Person so offending, and to convey or cause to be conveyed to

some Justice of the Peace the Persons so apprehended, to be proceeded against in such Manner as is herein-after directed; and in case any Constable, or other such Officer, shall refuse or neglect to use his best Endeavours to apprehend or convey to some Justice of the Peace any such Offender, it shall be deemed a Neglect of Duty in such Constable or Officer, and he shall be punished in such Manner as is herein-after directed (1); and in case any other Person being charged by any Justice of the Peace so to do, shall refuse or neglect to use his best Endeavours to apprehend and deliver to the Constable, or such other Officer, or to carry such Offender before some Justice of the Peace, where no Constable or other such Officer can be found, such Person so offending as aforesaid, being thereof convicted upon View, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace, shall forfeit the Sum of Ten Shillings, to the Use of the Poor of the Parish or Place wherein such Offence shall be committed, to be levied by Distress and Sale of the Offender's Goods, by Warrant from any Justice or Justices; and the Overplus (if any) after the Charges of such Distress satisfied, shall be returned to such Offender; and in case any Person not being a Constable, or such other Officer shall apprehend any such Rogue or Vagabond, and shall deliver him or her to a Constable, or other such Officer, or shall convey or cause him or her to be conveyed to some Justice or Justices of the Peace, according to the Directions of this Act; or if any Constable, or other such Officer, shall so apprehend and convey such Rogue or Vagabond, it shall and may be lawful for such Justice or Justices to reward any such Constable or other Person, by making an Order under Hand and Seal upon the High or Chief Constable, to pay the Sum of Ten Shillings to the Person so apprehending him or her, within One Week after Demand, and producing such Order, and upon his giving a Receipt for the same; and the same shall be allowed or paid by the Treasurer of the County, Riding, Division, or Liberty, to such High or Chief Constable on his passing his Accounts, and delivering such Order and Receipt, and also his own Receipt for the same, to such Treasurer; and the said Justices at the General or Quarter Sessions shall allow the same to such Treasurer in his Accounts, upon his producing and delivering up the Vouchers aforesaid; and in Cities, Boroughs, Towns Corporate, and other Places where there are no High or Chief Constables, such Petty Constables and other Officers shall pay or retain such

Penalty on officers neglecting their duty,

10 s.

Reward for taking up vagabonds, &c.

(1) See s. 18. post, page 1086.

Penalty on not  
paying the  
reward.

Reward as aforesaid, and be allowed what they shall so pay or retain by virtue of this Act in their respective Accounts, upon their producing and delivering up the like Vouchers; and in case any High or Chief Constable, or where there is no High or Chief Constable, such Petty Constable or other Officer, shall refuse or neglect to pay such Reward on Demand, it shall and may be lawful for such Justice or Justices of the Peace, by Warrant under Hand and Seal, to levy the Sum of Twenty Shillings by Distress and Sale of the Goods of such Officer, and thereout to allow to the Person intitled thereto, the said Reward of Ten Shillings, and such other Recompence for his Trouble, Loss of Time, and Expences, as the said Justice or Justices shall think fit; and the Overplus (if any) shall be returned to such Officer upon Demand. 17 G. 2. c. 5. s. 5.

General privy  
searches shall  
be made four  
times in the year.

The Justices of the Peace for every County, Riding, City, Borough, Town Corporate, Division, or Liberty, or any Two of them, shall, Four Times in the Year at least, or often (if need be) meet in their respective Divisions, and by their Warrant, command the Constables or other Peace Officers of every Hundred, Parish, Town, and Hamlet, in their several Divisions, who shall be assisted with sufficient Men of the same Places, to make a general Privy Search in One Night, throughout their several and respective Limits, for the finding and apprehending of Rogues and Vagabonds; and every Justice of the Peace shall also, on receiving Information that Rogues and Vagabonds are in any Place within his Jurisdiction, issue his Warrant to the Constable or other Officer of such Place, to search for and apprehend such Rogues and Vagabonds; and such Rogues and Vagabonds as they shall find and apprehend upon such Searches, they shall cause to be brought before any Justice or Justices of the Peace of the same County, Riding, City, Borough, Town Corporate, Division, or Liberty. s. 6.

Justices to punish  
vagabonds, &c.  
taken up at privy  
searches.

Where any Rogues or Vagabonds apprehended by any Constable or such other Officer or Person as aforesaid, or upon such Search as aforesaid, shall be brought before any Justice or Justices of the Peace, it shall and may be lawful for such Justice or Justices, and he or they are hereby required, to inform himself or themselves, by the Examination upon Oath of the Person or Persons apprehended, or of any other Person, of the Condition and Circumstances of the Person or Persons so apprehended, and of the Parish or Place where he, she, or they were last legally settled; the Substance of which Examination or Examinations shall be put in Writing, and be subscribed or signed by the Person or Persons so examined; and the said Justice or



Justices shall likewise sign the same, and transmit it to the next General or Quarter Sessions of the Peace to be holden for the same County, Riding, City, Borough, Town Corporate, Division, or Liberty, there to be filed and kept on Record; and such Justice or Justices of the Peace shall and are hereby required to order all such Persons so apprehended to be publicly whipt (1) by the Constable, Petty Constable, or Tythingman, or some other Person to be appointed by such Constable, Petty Constable, or Tythingman, of such Parish or Place where such Persons were apprehended, or to order such Persons to be sent to the House of Correction, there to remain until the next General or Quarter Sessions, or for any less Time, as such Justice or Justices shall think proper; and after such Whipping or Confinement, such Justice or Justices may and are hereby empowered, if they think convenient, by a Pass under Hand and Seal, in the Manner and Form hereafter directed, to cause such Persons to be conveyed to the Place of their last legal Settlement; but if it cannot be found, then to the Place of their Birth; or if such Persons, or any of them, be under the Age of Fourteen Years, and have any Father or Mother living, then to the Place of the Abode of such Father or Mother, there to be delivered to some Churchwarden, Chapelwarden, or Overseer of the Poor of such Parish, Town, or Place; [which Pass shall be in the Form given by the Act.]

Different sorts  
of vagabonds,  
how to be passed.

Where any Offender against this Act shall be committed as aforesaid to the House of Correction, there to remain until the next General or Quarter Sessions; and the Justices at such Sessions shall, on Examination of the Circumstances of the Case, adjudge such Person a Rogue or Vagabond, or an Incorrigible Rogue; they may, if they think convenient, order such Rogue or Vagabond to be detained and kept in the said House of Correction to hard Labour, for any further Time not exceeding Six Months, and such Incorrigible Rogue for any further Time not exceeding Two Years nor less than Six Months from the Time of making such Order of Sessions; and during the Time of such Person's Confinement, to be corrected by Whipping, in such Manner, and at such Times and Places within their Jurisdictions, as according to the Nature of such Person's Offence, they in their Discretion shall think fit; and such Person may (if the Justices at the said Sessions shall think convenient) afterwards be sent away by such Pass, *mutatis mutandis*, as aforesaid;

Power of justices  
over vagabonds  
and incorrigible  
rogues.

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(1) The public whipping of female offenders is now repealed by the Statute 57 G. 3. c. 75. under title JUDGMENT.

and if such Person, being a Male, is above the Age of Twelve Years, the Justices at their Sessions may and are hereby empowered, at any Time before he is discharged from the House of Correction, to send him to be employed in his Majesty's Service either by Sea or Land, if they shall judge proper ; and in case any such Incurable Rogue so ordered by the said General or Quarter Sessions to be detained and kept in the said House of Correction, shall, before the Expiration of the Time for which he or she shall be so ordered to be there detained and kept, break out or make his or her Escape from the said House of Correction, or shall offend again in like Manner, in every such Case, every such Person shall be deemed and taken to be guilty of Felony, and being legally convicted thereof, shall and may be transported for any time not exceeding Seven Years, in the same Manner as by the Laws now in being other Felons may be transported. 17 G. 2. c. 5. s. 9.

Penalty on counterfeiting or altering certificates, receipts, or notes.

Penalty on the officer not passing according to order ; and on the officer's not receiving the pass.

Manner of levying the penalty.

The stat. 17 G. 2. c. 5. s. 2. recited and extended to persons who shall deal in lottery tickets or shares without taking out a licence ;

Provided always, and be it further enacted by the Authority aforesaid, that in case any such Petty Constable or other Officer, or Governor or Master of any House of Correction, shall counterfeit any such Certificate, Receipt or Note, or make, or knowingly permit to be made, any Alteration in any such Certificate, Receipt or Note, he shall forfeit the Sum of Fifty Pounds ; and in case he shall not convey, or cause to be conveyed, the Persons to the Place where they ought to be conveyed, or shall not deliver them to the proper Person ; or if any Constable, or other Officer or Person, shall refuse to receive any such Persons sent to them, or to give a Receipt or Note as before directed ; that in any of the said Cases, the Constable or other Officer or Person shall forfeit the Sum of Twenty Pounds ; which said respective Forfeitures shall be levied by Distress and Sale of the Offender's Goods, by Warrant or Order of the Justices of the Peace where such Offence shall be committed, at their General or Quarter Sessions ; One Moiety to be paid to the Person or Persons who shall first make Information against any such Offender, and the other Moiety to be paid to the Treasurer of the County or Place, to be applied by him as Part of the public Stock ; and the Overplus (if any) after such Forfeitures levied and the Charges of Distress satisfied, shall be returned to such Constable or other Officer or Person upon Demand. s. 18.

The Statute 27 G. 3. c. 1. s. 3. recites, that by the Statute 17 G. 2. c. 5. (s. 2.) all persons playing or betting at any unlawful Games or Plays shall be deemed Rogues and Vagabonds within the true Intent and Meaning of that Act ; and that all Lotteries not established by Act of Parliament in Great Britain or Ireland

are declared to be common and public Nuisances ; and that all adventuring with Lottery Tickets in such Lotteries as are established by Act of Parliament, other than by the actual Sale of Tickets, and of such Shares thereof as are permitted by Law to be sold, is wholly prohibited by the said Act of the Twenty-second Year of the Reign of his present Majesty : And whereas it would tend greatly to suppress such Abuses in the Lottery now established and in all future Lotteries that may hereafter be established by Law, if the Person and Persons guilty of any of the Offences against this Act, or such Parts of the herein-before mentioned Acts, or any of them, as touch and concern Lotteries, might be punishable under the said Act passed in the Seventeenth Year of the Reign of his said late Majesty, except in cases of Insurances on Tickets by Persons actually possessed thereof, under the Restrictions herein-after mentioned : and then enacts, that from and after the Day on which this Act shall receive his Majesty's Royal Assent, all and every Person and Persons who shall publicly or privately open, set up, continue or keep, by himself or herself, or by any other Person or Persons, any Office or other Place for buying, selling, or otherwise dealing in any Tickets or any Shares of Tickets in any Lottery now established or hereafter to be established by any British or Irish Act of Parliament, or for registering the Numbers of such Tickets, without the Authority of a Licence duly obtained for that purpose from the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper, for the time being, in the manner in and by the said recited Act of the Twenty-second Year of the Reign of his present Majesty directed ; and all and every Person and Persons (except as herein-after is provided) who shall, by himself, herself, or themselves, or by any other Person or Persons, or for his, her, or their own Account, or for or on the Account, or as the Servant, Agent, or Factor of any other Person or Persons, sell, or cause or procure to be sold, the Chance or Chances of any such Ticket or Tickets, or any Share or Shares thereof, for a Day or part of a Day, or any less time than the whole time of Drawing in any such Lottery then to come ; or insure, or cause or procure any other Person or Persons to insure, for or against the Drawing of any such Ticket or Tickets ; or shall receive any Money or Goods whatsoever, in consideration of any Agreement or Promise to repay any Sum or Sums of Money, or to deliver the same, or any Plate, Jewels, or other Goods whatsoever, if any such Ticket or Tickets shall prove fortunate or unfortunate, or upon any other Chance or

and justices of the peace may commit such offenders to the next quarter sessions.

Chances, Event or Events, Contingency or Contingencies relative or applicable to the Drawing of any such Ticket or Tickets, whether as to the Time of their being drawn or otherwise howsoever, shall be deemed Rogues and Vagabonds within the true Intent and Meaning of the said recited Act of the Seventeenth Year of the Reign of his said late Majesty, and shall be punishable as such Rogues and Vagabonds accordingly; and all Persons who shall be found offending against this Act in the Manner above mentioned, shall and may be apprehended and conveyed before some Justice or Justices of the Peace, as in and by the said recited Act in relation to the Rogues and Vagabonds therein described is directed; and the Justice or Justices before whom such Offender shall be brought, such Offender not having been sued or prosecuted for the same Offence, without Covin or Collusion, in some of His Majesty's Courts of Record, by such Action of Debt, Bill, Complaint, Suit, or Information as aforesaid, shall and may, upon full and sufficient Proof of the Offence in the manner in and by the said recited Act directed, order such Offender to be sent to the House of Correction, there to remain until the next General or Quarter Sessions of the Peace for the County, Riding, Division or Place where the said Offence was committed; and the Justices at such Sessions shall enter upon the Examination of the Case, and proceed therein according to the Directions of the said recited Act of the Seventeenth Year of his said late Majesty; and all Justices of the Peace, Mayors, Bailiffs, Constables, Headboroughs, and other his Majesty's Civil Officers, within their respective Jurisdictions, are hereby empowered and strictly required to use their utmost Endeavours to prevent the committing of any of the Offences aforesaid, by all lawful Ways and Means; and shall be and are hereby indemnified for any thing done in Execution of this Act.

All the powers, &c. of 17 G. 2. c. 5. extended to this act.

All other the Powers, Authorities, Rules, Directions, Punishments and Provisions prescribed and inflicted in and by the said recited Act of the Seventeenth Year of his said late Majesty, for the apprehending, securing, and punishing Persons as Rogues and Vagabonds within the true Intent and Meaning of the said Act, not hereby altered, shall be applied and carried into Execution in relation to the Persons hereby declared to be Rogues and Vagabonds, as fully to all Intents and Purposes as if the same Powers, Authorities, Rules, Directions, Punishments, and Provisions, and every of them, had severally and respectively been re-enacted in this Act. s. 3.

Whereas many evil-disposed persons, to evade the Provisions of the Acts made to punish Persons guilty of insuring for or against the Drawing of Tickets, more particularly described in this Act, have empowered and authorized, and do empower and authorize Agents for them to take Money for such illegal Contracts, and have in their Custody or Possession, Account or Accounts, Statement or Statements, Memorandum or Memorandums in Writing of such illegal Contracts entered into; be it therefore enacted, that upon Information upon Oath made before any Magistrate or Justice of the Peace, stating any person to be a reputed Lottery Insurer, and in the Opinion of the Informer to be in Possession of Books, Papers, or Memorandums of illegal Contracts entered into relating to Lottery Insurances, it shall be lawful for, and such Magistrate or Justice of the Peace is hereby required to issue his Warrant, directed to a Constable or Officer of Police, to empower him with proper Assistance to search the person of the said reputed Lottery Insurer, to enter the Dwelling Place and Premises of such person, and search for and seize all such Papers, Accounts, or Memorandums; and if any such be found either upon such or any other person or persons in the same Dwelling Place, or in or about the same Dwelling Place or Premises, or if any Memorandums of Insurance in the Lottery or Little Goe should be found at the Time of such Search, written in Chalk or otherwise upon or about the Dwelling Place or Premises, then to apprehend and bring the said person or persons against whom such Warrant shall have been issued, with such person or persons upon whom such Lottery or Little Goe Insurance Papers, Accounts, or Memorandums were found, before Two Magistrates or Justices of the Peace, and upon Proof before them by Two credible Witnesses upon Oath that such Papers, Accounts, or Memorandums do appear to the best of their Knowledge and Belief to relate to the Little Goe, or to Insurance in the Lottery or in the Little Goe, or upon Proof in like Manner that such Memorandums were written in Chalk or otherwise on or about the Premises of the person against whom such Warrant shall have been issued, which could not be brought away without injuring the Premises, such person or persons are to be deemed Rogues and Vagabonds; and punished as such. 59 G. 3. c. 65. s. 35.

Lottery insurers in whose premises papers relating to insurance are found, &c. shall be punished as rogues and vagabonds under 17 G. 2. c. 5.

It shall be lawful for any Magistrate or Justice of the Peace to issue his Summons or Summonses to direct and order the Attendance of any Witness or Witnesses to give Evidence upon the hearing of any and every such Offence above described; and that Service of such Summons at the House or usual Place

Witnesses may be summoned;

and not attending may be apprehended.

of Residence of the person summoned shall be deemed good Service; and that in Default of [Non (1)]-attendance of such Witness or Witnesses at the Time mentioned in the said Summons or Summonses, and if no reasonable Excuse shall be made, or proper Cause assigned to the Satisfaction of the Justice for not attending, then and in that Case it shall be lawful for such or any other Magistrate or Justice of the Peace, to issue his Warrant, and direct and deliver the same to any Constable or Officer of Police to be executed, who by virtue thereof shall have Power to apprehend and detain him, her, or them, to be examined and give Evidence touching the Matters complained of against this Act; and that upon Proof of due Diligence having been used to apprehend such Witness, it shall be lawful for such Magistrate or Justice of the Peace to detain and remand the person by whom the Offence of insuring stated in the last Section of this Act shall be imputed to have been committed, from Time to Time, for not more than Seven Days between each Time of remanding him, her, or them, but for so long a Time in the whole as to such Magistrate or Justice of the Peace shall, in his Discretion, deem it reasonable and proper. 59 G. 3. c. 65. s. 36.

Upon the Hearing of any Case before any Magistrates, where it shall be imputed that any person or persons is or are become a Rogue and Vagabond, or Rogues and Vagabonds, by the committing of any Offence described in this Act, it shall not be permitted to produce any Information upon Oath, whether the same shall have been filed or not. s. 37.

On complaint on oath of offences against this act, whereby the parties may be liable to punishment as rogues, justices may authorize persons to break open houses, &c.

Upon Complaint or Information made upon Oath, before any Justice or Justices of the Peace, of any Offence committed against this Act in any House or Place within the Jurisdiction of any Justice or Justices, whereby any of the Offenders may be liable to Punishment as Rogues and Vagabonds, it shall and may be lawful to and for the said Justice or Justices before whom such Oath shall be taken, if he or they shall judge it reasonable, by special Warrant under his or their respective Hands and Seals, to authorize and empower any person or persons, by day or by night, but if in the night time then in the presence of a Constable, or other lawful Officer of the Peace, who are hereby required to be aiding or assisting therein, to break open the Doors or any Part of such House or Place where such Offence shall have been committed, and to enter into such House or Place, and to seize and apprehend all such Offenders, and all other Persons

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(1) This word appears to be here improperly inserted.



who shall be discovered in such House or Place, and who shall have knowingly aided or assisted, or been anywise concerned with any such Offender or Offenders, in committing any such Offence, and to convey them before any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty, or Place wherein such Person shall be so apprehended, to be dealt with according to Law as aforesaid; and all Persons who shall be discovered in such House or Place, knowingly aiding, assisting, or in anywise concerned with such Offender or Offenders, in carrying on any Transaction respecting the said Lotteries or either of them, contrary to the express Provisions of this Act, shall be deemed Rogues and Vagabonds, and punishable as such in the Manner directed by this Act, as the case may require; and it shall and may be lawful for the Officer or Officers having the Execution of such Warrant, and all other persons acting in his or their aid or assistance, to stop, arrest, and detain all and every the Person and Persons so discovered in such House or Place, and to convey the said person or persons before such Justice or Justices of the Peace as aforesaid; and if any person or persons shall forcibly obstruct, oppose, molest, or hinder any such Officer or Officers, or others acting in his or their aid or assistance, in the due execution of their duty, or in the due entering into such House or Place, or in the seizing, detaining, or conveying before such Justice or Justices any such Offender or Offenders or other person or persons as aforesaid, every such person so obstructing, opposing, molesting, or hindering as aforesaid, shall be deemed an Offender against Law and the Public Peace, and the Court before whom any such Offender shall be tried and convicted shall and may order such Offender to be fined, imprisoned, and publicly whipped, as in their discretion shall be thought fit. 59 G. 3. c. 65. s. 56.

Persons discovered in such houses concerned in carrying on illegal transactions, to be punished as rogues.

Penalty on persons obstructing officers.

And whereas doubts have arisen whether under and by former Acts passed from time to time, for granting to his Majesty a Sum of Money to be raised by Lotteries, and the Acts commonly called Little Goe Acts of the Twenty-seventh Year of his present Majesty, [27 G. 3. c. 1.] and of the Forty-second Year of his present Majesty, [42 G. 3. c. 119.] the word "Place" mentioned in the said Acts respectively was meant to describe any Place used for the purpose of drawing the illegal Lottery called Little Goe, or for purposes of Insurance in the Lottery or Little Goe, or in anywise relating thereto, be the same an inclosed Building or not; it is therefore hereby declared and enacted, that the word "Place," when and where the same is mentioned

The word "place" intended to mean any place whatever.  
27 G. 3. c. 1.  
42 G. 3. c. 119.

and used in this and the said several above recited Acts relating to the drawing of the said illegal Lottery called Little Goe, or the assembling of persons for any of the illegal purposes mentioned therein, or for the purpose of Little Goe or Lottery Insurance, shall be taken to extend to and mean any Place in or out of an inclosed Building or Premises, whether upon Land or Water, where such illegal Practices, or any thing relating thereto, shall be carried on or attempted to be carried on. s. 57.

Persons employ-  
ing others in  
such illegal  
transactions shall  
be deemed rogues  
and vagabonds.

All persons, although not discovered in such House or Place as aforesaid, who shall employ or cause to be employed any person or persons in carrying on any of the Transactions mentioned as illegal in this Act, and each and every person acting as an agent in any of the said Transactions, or in aiding or assisting any such person or persons, shall be deemed Rogues and Vagabonds, and shall be punishable as such in the manner directed by this Act. s. 58.

Offenders ad-  
judged rogues  
and vagabonds  
may be com-  
mitted.

If any person shall be brought before any Two or more Justices of the Peace for the County, City, Liberty, or Place where any Offence against this Act shall have been committed, and shall be convicted of any Offence or Offences against this Act by such Justices, and shall be adjudged a Rogue and Vagabond, then and in every such case such Justices shall and they are hereby required to order such Offender to be sent to the House of Correction, there to remain for any Space of Time not exceeding Six Calendar Months, nor less than One Calendar Month, but which Terms of Imprisonment shall always be to a Day or Time beyond the final period of the drawing of the Lottery in respect whereof such Offence shall be committed; and if such person shall have been convicted of a like Offence under this or any former Act for granting to his Majesty any Sum of Money to be raised by Lotteries, then and in that case, in addition to the Imprisonment and Punishment last mentioned, it shall be lawful for such Two or more Justices as aforesaid, at their discretion, to order the Offender or Offenders to be privately whipped; and any such Adjudication or Conviction under this Act may be in the Form following *mutatis mutandis*; (that is to say),

Form of  
conviction.

“ Middlesex, }  
to wit. } To the Keeper of

“ WHEREAS *A. B.* of in the  
County of Middlesex, is this Day duly convicted before us, *C. D.*  
and *E. F.* Two of the Justices of our Lord the King assigned  
to keep the Peace of our said Lord the King in and for the said

County, and also to hear and determine divers Felonies, Trespasses, and other Misdemeanors committed within the said County, for that he the said *A. B.* at in the said County, on the Day of [state the Offence] against the Form of the Statute made in the Fifty-ninth Year of the Reign of our said Lord the King, intituled "An Act for granting to his Majesty a Sum of Money to be raised by Lotteries;" and the said *A. B.* having for such Offence been adjudged a Rogue and Vagabond by us the said Justices within the intent and meaning of the said Statute, we do order that the said *A. B.* be committed, and the said *A. B.* is hereby by us accordingly committed to the House of Correction at in and for the said County of Middlesex, there to remain for the Space of

now next ensuing: and we do hereby require the Keeper of the said House of Correction to receive into his Custody the Body of the said *A. B.* herewith sent, and him to safely keep and detain in the said House of Correction accordingly. Given under our Hands and Seals, *et cetera, et cetera.*"

And such Proceedings shall not be subject to Appeal, nor shall be removed or removable by Certiorari or otherwise into any Court whatever. s. 64.

Proceedings not removable by Certiorari.

## Venue.

The Statute 59 G. 3. c. 27. intituled "An Act to facilitate the Trial of Felonies committed on board Vessels employed on Canals, Navigable Rivers, and Inland Navigations," recites, that "Felonies are frequently committed on board Vessels employed in carrying and conveying Goods, Wares, and Merchandize in or upon Canals, Navigable Rivers, and Inland Navigations, in various parts of the United Kingdom, as well by breaking open the Casks and Packages containing such Goods, Wares, and Merchandize, as in various other Ways;" and that "such Felonies frequently remain undetected until the Arrival of such Vessels at the places of their destination; and in consequence of such Canals and Navigations passing through several Counties forming the boundaries of Counties on each side or bank, it can seldom be known within what County such Felonies may have been actually committed, and Offenders frequently escape unpunished from defect of proof that the Felony with

In indictments for felonies on any canal, navigable river, or inland navigation, the offence may be laid to have been committed in any county or city through which the vessel, &c. on board which the felony was committed may have passed.

Persons so tried and convicted shall be subject to like pains and penalties as if tried in the county where the fact was committed.

Saving the jurisdiction of the Admiralty under 28 H. 8. c. 15.

which they are charged was actually committed within the County in which such Offenders may be indicted;” and then, “for remedy thereof,” enacts, that from and after the passing of this Act, in any Indictment for any Felony committed on board any Barge, Boat, Trow, or other Vessel whatever, employed or used in carrying or conveying Goods, Wares, and Merchandize, or in which any such Goods, Wares, or Merchandize shall be, in or upon any Canal, Navigable River, or Inland Navigation, in any part of the United Kingdom of Great Britain and Ireland, it shall be sufficient to allege that such Felony was committed within any County or City through any part whereof such Boat, Barge, Trow, or other Vessel shall have passed in the course of the Voyage or Journey during which such Felony shall have been committed; and in Cases wherein the sides or banks of any Navigable River, Canal, or Inland Navigation, or the Centre thereof, shall constitute the boundary of any two Counties or Cities, it shall be sufficient to allege that such Felony was committed in either of the said Counties or Cities through which or any part thereof such Boat, Barge, Trow, or other Vessel shall have passed in the course of the Voyage or Journey during which such Felony shall have been committed; and every such Felony shall and may be inquired of, tried, and determined in the County or City within which the same Felony shall be so alleged to have been committed; and all and every Person and Persons who shall be convicted of any such Felony so to be inquired of, tried, and determined as aforesaid, shall be subject and liable to all such Pains of Death, and other Pains, Penalties, and Forfeitures, as such Person or Persons convicted of such Felony would have been subject and liable to in case such Felony had been inquired of, tried, and determined in the County in which the same Felony was actually committed; any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided always, that nothing herein contained shall extend, or be construed to extend, to affect the Jurisdiction of the High Court of Admiralty, or of any Commission for the Trial of Offences under an Act passed in the Twenty-eighth Year of the Reign of King Henry the Eighth, intituled “For Pirates.”

The Statute 59 G. 3. c. 96. intituled “An Act to facilitate the Trials of Felonies committed on Stage Coaches and Stage Waggon, and other such Carriages, and of Felonies committed on the Boundaries of Counties,” recites that “whereas Felonies are

frequently committed on Stage Coaches, Stage Waggon, Stage Cart, and other such Carriages, employed in carrying and conveying Goods, Wares, and Merchandize, travelling on the several Highways in various Parts of the United Kingdom, as well by breaking open the Casks and Packages containing such Goods, Wares, and Merchandize, as in various other ways: And whereas such Felonies frequently remain undetected until the Arrival of such Carriages at the Place of their Destination, and in consequence of such Highways leading through several Counties, it can seldom be known within what County such Felonies may have been actually committed, and Offenders frequently escape unpunished from defect of proof that the Felony with which they are charged was actually committed within the County in which such Offenders may be indicted;" and then "for Remedy thereof," enacts, that from and after the passing of this Act, in any Indictment for any Felony committed on any Stage Coach, Stage Waggon, Stage Cart, or other such Carriage whatever, employed or used in carrying or conveying Goods, Wares, and Merchandize, or in which any such Goods, Wares, or Merchandize shall be, in or upon any Highway in any Part of the United Kingdom of Great Britain and Ireland, it shall be sufficient to allege that such Felony was committed within any County or City through any Part whereof such Stage Coach, Stage Waggon, Stage Cart, or other such Carriage shall have passed in the course of the Journey during which such Felony shall have been committed; and in all cases where any Highway shall form the Boundary of any Two Counties, it shall be sufficient to allege, that such Felony committed as aforesaid was committed in either of the said Counties through which or any part whereof such Stage Coach, Stage Waggon, Stage Cart, or other such Carriage shall have passed in the course of the Journey during which such Felony shall have been committed; and every such Felony shall and may be inquired of, tried, and determined in the County or City within which the same Felony shall be so alleged to have been committed; and all and every person and persons who shall be convicted of any such Felony so to be inquired of, tried, and determined as aforesaid, shall be subject and liable to all such Pains of Death, and other Pains, Penalties, and Forfeitures, as such person or persons convicted of such Felony would have been subject and liable to, in case such Felony had been inquired of, tried, and determined in the County in which the same Felony was actually committed; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

In indictments for larceny committed on stage coaches, waggons, or other carriages, the offence may be laid to have been committed in any county or city through any part whereof such carriage may have passed.

In indictments for felony committed on the boundaries of counties, the offence may be averred to have been committed in either county.

And whereas Felonies are sometimes committed on or so close to the Boundaries of Two or more Counties, that the Offenders escape unpunished from the defect of proof, that the Felony with which they are charged was actually committed within the County in which such Offenders may be indicted; be it therefore enacted, that from and after the passing of this Act, in any Indictment for any Felony committed on the Boundary or Boundaries of Two or more Counties, or within the Distance of Five hundred Yards of any such Boundary or Boundaries, it shall be sufficient to allege that such Felony was committed in either or any of the said Counties; and every such Felony shall and may be inquired of, tried, and determined in the County within which the same Felony shall be so alleged to have been committed; and all and every person and persons who shall be convicted of any such Felony so to be inquired of, tried, and determined as aforesaid, shall be subject and liable to all such Pains of Death, and other Pains, Penalties, and Forfeitures, as such person or persons so convicted of such Felony would have been subject and liable to, in case such Felony had been inquired of, tried, and determined in the County in which the same Felony was actually committed; any Law, Statute, or Usage to the contrary in anywise notwithstanding. s. 2.

## Wales.

- I. *General Regulations respecting Wales, and establishing Courts of Civil and Criminal Judicature there.*
- II. *As to Juries there.*
- III. *Outlawries in Wales; (and see page 1101.)*
- IV. *For preventing the Passage of Felons and stolen Goods across the River Severn.*

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- I. *General Regulations respecting Wales, and establishing Courts of Civil and Criminal Judicature there.*

All statutes mentioning England delared to include Wales.

The Statute 20 G. 2. c. 42. (intituled "An Act to enforce the Execution of an Act of this Session of Parliament, for granting to his Majesty several Rates and Duties upon Houses, &c.) declares and enacts (by s. 8.) that in all cases where the Kingdom of *England* or that Part of *Great Britain* called *England*, hath been or shall be mentioned in any Act of Parliament, the same has been and shall from henceforth be deemed and taken to



comprehend and include the Dominion of *Wales* and the Town of *Berwick-upon-Tweed*.

The Statute 26 H. 8. c. 6. s. 1. reciting that “ Forasmuch as the People of *Wales* and the Marches of the same, not dreading the good and wholesome Laws and Statutes of this Realm, have of long time continued and persevered in perpetration and commission of divers and manifold thefts, murthers, rebellions, wilful burnings of Houses, and other scelerous deeds and abominable malefacts, to the high displeasure of God, inquietation of the King’s well-disposed Subjects, and disturbance of the public weal; which malefacts and scelerous deeds be so rooted and fixed in the same people that they be not like to cease, unless some sharp correction and punishment for redress and amputation of the Premises be provided, according to the demerits of the Offenders;” enacts, that all and singular person and persons dwelling or resiant within *Wales*, or in the Lordships Marchers of the same from time to time and at all times hereafter, upon such monition or warning given for the Court to be kept in *Wales*, or in any of the Lordships Marchers aforesaid, as before this time hath been used, shall personally repair, resort, and appear before the Justice, Steward, Lieutenant, or other Officer, at all and every Sessions, Court and Courts to be holden before the same Justice, Steward, or other Officer, in any whatsoever Castle, Fortress, or other place within *Wales*, or within the Precincts, Limits, and Jurisdictions of every of the Lordships Marchers or Seigniorities aforesaid, or to the Marches of the same, as by the said Justice, Steward, or other Officer shall be appointed, and then and there shall give his or their personal attendance, to do, execute, and accomplish all and every thing and things which to him and them shall affere and appertain, upon pain of such Fines, Forfeitures, and Amerciaments as shall be affered, assessed, and taxed by the Justice, Steward, or other Officer to the King’s use, if it be within any of the King’s Lordships Marchers; and if it be within any other Lordships Marchers, then to the use of the Lord of the said Lordship Marcher for the time being; the said Forfeitures and Amerciaments to be levied, perceived, and taken by way of Distress of the Goods and Chattels of every person not appearing at the said Court or Courts, or not doing, executing, or accomplishing his Duty as is abovesaid.

Cro. Car. 331.

All persons shall upon summons given, appear before the justices, and in courts in *Wales*.

And forasmuch as the Officers in the Lordships Marchers in *Wales*, have often and sundry times heretofore unlawfully exacted of the King’s Subjects within such Lordships where they

Wrongs done by officers in lordships marchers.

Untrue sur-  
mises feigned  
against them  
which appear, to  
imprison them.

Penalty for such  
false imprison-  
ment, 6s. 8d.  
for each day.

And the offender  
shall also pay a  
fine to the king.

have had rule or authority, by many and sundry ways and means, and also committed them to straight duress and imprisonment for small and light fained causes, and extortiously compelled them thereby to pay unto them Fines for their Redemptions, contrary to the Law; therefore be it further enacted, that if any Steward, Lieutenant, or any other Officer of any Lordship Marcher, do fain, procure, or imagine any untrue surmise against any person or persons that shall give their personal attendance before them at such Court or Courts, and upon the same untrue surmise commit them to any duress or imprisonment contrary to the Law, or contrary to the true and laudable Custom of that Lordship, that then upon Suit made unto the King's Commissioners or Council of the Marches for the time being, by any such person or persons so imprisoned, or by any of their friends, that then the same Commissioners or Council shall have full Power and Authority to send for such Steward, Lieutenant, or Officer, and also for the person or persons so imprisoned; and if the same person or persons so imprisoned, can evidently prove before the said Council by good and substantial Witness or otherwise, that his imprisonment was upon any feigned surmise without cause reasonable or lawful, that then the same Commissioners shall have full Power and Authority to assess the said Officer to pay to the said person or persons wrongfully imprisoned, vi s. viii d. for every day of their imprisonment, or more, by the discretions of the said Commissioners, according to the hurts and behaviour of the person or persons imprisoned. 26 H. 8. c. 6. s. 2.

And that the same Commissioners shall set further fine upon the said Officer, to be paid to the King's use, as by their discretions shall be thought convenient; and in case the same Officers do refuse to appear before the same Commissioners incontinent after any commandment to them directed and delivered after any such complaint made to the same Commissioners, that then the same Commissioners shall have full power and authority, upon every default made by any Officer or Officers, to assess and set upon every such Officer or Officers making default, such Fine or Fines, to be levied to the King's Use, as by their discretions shall be thought convenient; and that the same Commissioners shall have full power and authority to compel the said Officer or Officers by way of Imprisonment, as well to pay such Fine as shall be set and taxed upon them to the King's Use, as to pay unto every person or persons so imprisoned, such Sums of Money as they shall be sessed to pay for their wrong Imprisonment. s. 3.

No person or persons dwelling or resiant within Wales, or the Lordships marchers of the same, of what Estate, Degree, or Condition soever he or they be of, coming, resorting, or repairing unto any Sessions or Court to be holden within Wales, or any Lordships Marchers of the same, shall bring or bear, or cause to be brought or born to the same Sessions or Court, or to any place within the distance of two Miles from the same Sessions or Court, nor to any Town, Church, Fair, Market, or other Congregation, except it be upon a hute or outcry made of any Felony or Robbery done or perpetrated, nor in the Highways in affray of the King's Peace, or the King's liege People, any Bill, Long-bow, Cross-bow, Hand-gun, Sword, Staff, Dagger, Halberd, Morespike, Spear, or any other manner of Weapon, Privy-coat, or Armour defensive, upon pain of Forfeiture of the same Weapon, Privy-coat, or Armour, and to suffer Imprisonment, and make Fine and Ransom to the King's Highness by the Discretion of the King's Commissioners of his Marches for the Time being, except it be by the Commandment, Licences, or Assent of the said Justices, Steward, or other Officer, or of the Commissioners or Council of the Marches for the time being. s. 4.

No weapon shall be brought to courts, fairs, or churches, in Wales.

And that no person or persons from henceforth, without Licence of the said Commissioners in writing, shall within Wales, or the Marches of the same, or in any Shires adjoining to the same, require, procure, gather, or levy any Commorth, Bydalle, Tenants Ale, or other collections or exactions of Goods, Cattels, Money, or any other thing, under colour of Marrying, or suffering of their Children saying or singing the first Masses or Gospels, or any Priests or Clerks, or for redemption of any Murther, or any other Felony, or for any other manner of cause, by what Name or Names soever they shall be called; nor shall make, or procure to be made, any Games of Running, Wrastling, Leaping, or any other Games (the Game of Shooting only excepted and foreprised), upon Pain of One whole Year's Imprisonment of every person or persons as shall gather or procure to be gathered any such Collection or Exaction, or shall make or procure to be made any Games as is aforesaid; and further, they and every of them shall make such Fine, as by the discretion of the King's Commissioners of his Marches shall be thought convenient; and further, the said Commissioners, by this present Act, shall have Power and Authority to hear and determine the said Offences by their Examination: And that no person or persons shall hereafter at any Time cast any thing into any Court within Wales,

No man shall levy any exactions or commorths, or collection, or games in Wales.

No Arthel shall be cast into any court.

or in the Lordships Marchers of the same, by the Mean or Name of an Arthel, by reason whereof the Court may be letted, disturbed, or discontinued for that time, upon pain of One whole Year's Imprisonment of any such person or persons as shall cast or cause to be cast any such Arthel into any Court or Courts hereafter to be holden within Wales, or the Lordships Marchers of the same; any Custom before this time used to the contrary notwithstanding. 26 H. 8. c. 6. s. 5.

Courts shall be kept in the most peaceable places.

And that all Sessions and Courts hereafter to be holden within Wales, or the Lordships Marchers of the same, shall be kept within the most surest and peaceable Place within the same Lordship Marcher, where the said Justice, Steward, or other Officer shall appoint: And for the Punishment and speedy Trials, as well of the Counterfeiters of any Coin currant within this Realm, washing, Clipping, or minishing of the same, as of all and singular Felonies, Murthers, wilful burning of Houses, Manslaughters, Robberies, Burglaries, Rapes, and Accessories of the same, and other Offences feloniously done, perpetrated and committed, or hereafter to be done, perpetrated and committed within any Lordship Marcher of Wales; be it enacted by the Authority aforesaid, that the Justices of the Gaol-delivery, and of the Peace, and every of them for the time being, in the Shire or Shires of England, where the King's Writ runneth, next adjoining to the same Lordship Marcher, or other places in Wales where such counterfeiting, washing, clipping, or minishing of any Coin currant within this Realm or Murther hath been or hereafter shall be committed or done, where any other Felonies or Accessories shall be hereafter committed, perpetrated or done, shall have from henceforth full Power and Authority at their Sessions and Gaol-delivery, to enquire by verdict of twelve men of the same Shire or Shires next adjoining within England where the King's Writ runneth, there to cause all such Counterfeiters, Washers, Clippers of Money, Felons, Murtherers, and Accessories to the same, to be indicted according to the Laws of this Land, in like manner and form as if the same Petty Treasons, Murthers, Felonies, and Accessories to the same, had been done, committed, or perpetrated within any of the said Shires within the said Realm; and also to hear, determine, and judge the same according to the Laws of the Realm. s. 6.

Indictment shall be in the next English shire where the King's writ runs for a felony committed within any lordship marcher.

See post, s. 12. and 34, 35 H. 8. c. 26. s. 85, 86.

Acquittal in Lordships marchers no bar.

And that all foreign Pleas, pleaded by any of the said Malefactors and Offenders, shall be tried and determined in the said Shire or Shires; and that the Acquittal or Fine making for any of the causes aforesaid, in any of the Lordships Marchers, shall

be no bar for any person or persons being indicted in the said Shire or Shires, within Two Years next after any such Murther or Felony done. s. 7.

The said Justices of Peace and Gaol-delivery, and every of them, shall have full Power and Authority to award all manner of Process, as well of Outlawry as otherwise, against all and every such Offender and Offenders so indicted in manner and form, and according to the Customs and Laws used and accustomed within this Realm of England; and that the said Justices, or two of them, afore whom any such Offender shall happen to be outlawed, or attainted by Outlagary, shall immediately upon the same Outlagary or Attainder, direct and send unto the King's Officers of his Lordships Marchers, or to their Deputies, or unto the Lord or Lords Marchers of the same Lordship Marcher, or his or their Officer or Officers, or to their Deputies, wherein such Offence, Murther, or Felony shall happen to be done, or where any such Offender, Murtherer, or Felon shall happen to be resiant, a Certificate under the Seals of them, or two of them, of any such Outlagary or Attainder; commanding them and every of them by the same, under pein of forfeiture of a hundred Pound to the King, to be levied and perceived as well of the Goods, Cattels, Lands and Tenements of the same Lord or Lords Marchers, as of the Goods and Cattels, Lands and Tenements of the King's Officer there, to apprehend and attach, or cause to be apprehended and attached, the Body or Bodies of the same Offender or Offenders so outlawed or attainted, and safely to keep, or cause to be kept, the same Offender or Offenders, till such convenient time before the next Sessions of the King's Justices of the Gaol Delivery of the Shire where such Offender or Offenders shall happen to be outlawed or attainted, as to the King's Officers of his Lordships Marchers, or to their Deputies, or unto the Lord Marcher or Lords Marchers of the same Lordship Marcher, or his or their Officer or Officers, or their Deputies, where such Offender or Offenders shall be apprehended, attached, detained and kept, shall be thought expedient for the conveyance and conducting of the same Offender or Offenders, in manner and form following, to be delivered from the King's Officers, or their Deputies, or the Lord Marcher or the Lords Marchers, or his or their Officer or Officers, to other Persons assigned by this Act to receive and convey such Offender or Offenders, by indenture to be made between the Deliverer or Deliverers and the Receiver or the Receivers; that is to say, that the King's Officers of his Lordship Marcher or their Deputies, or the Lord or Lords

Justices may award process unto lordships marchers.

A certificate of an outlawry shall be sent to the lord marcher, &c.

By what means an offender shall be conveyed from one lordship marcher to another.

Marchers of the Lordship Marcher, or his or their Officer or Officers, or their Deputies, where such Offender or Offenders shall be apprehended, attached, detained and kept, shall safely and surely conduct and convey, or cause to be conducted and conveyed, the same Offender or Offenders to the next Lordship Marcher toward the Shire where the same Offender or Offenders shall happen to be outlawed or attainted; and that the King's Officers of the same Lordship Marcher, or their Deputies, or the Lord or Lords Marchers of the same Lordship Marcher, or his or their Officer or Officers, shall receive, and safely and surely conduct and convey the same Offender or Offenders to the next Lordship Marcher; and so the King's Officers of every Lordship Marcher or their Deputies, or the Lord or Lords Marchers of the same Lordship, or his or their Officer or Officers, or their Deputies, to receive, conduct, and convey safely and surely every such Offender or Offenders, from one Lordship Marcher to another Lordship Marcher, by Indenture, as is aforesaid, unto the time that such Offender or Offenders shall be safely delivered before the said Justices of the Gaol Delivery, upon pain of Forfeiture by every of the King's Officer, or Lord Marcher, by whose default the same Offender or Offenders shall, ne may not appear before the same Justices at their said Sessions, there to stand and abide the Order of the King's Laws, C. li. to belevied and perceived of the Goods and Cattels, Lands and Tenements of the same Officer or Lord, to the King's use. 26 H. 8. c. 6. s. 8.

The officer shall return his precept.

All advantages saved to the offenders.

And that all and every Officer or Officers, Lord and Lords, or other persons to whom any Certificate shall be directed as is abovesaid; shall at the next Sessions and Gaol Delivery to be holden after the Apprehension or Attachment of such Offender or Offenders, return the same Certificate in due form, and what he or they have done in that behalf, upon the pain aforesaid: Saving alway to all and every Offender and Offenders, all and singular Traverses, Challenges, Exceptions, Advantages, and all other Pleas to, of, and upon the Outlawry pronounced or promulged against the same Offender or Offenders, in manner and form as is and hath been used and accustomed by the Laws of this Realm for any the King's Subjects dwelling within the same Realm. s. 9.

No liberties of any lord marcher shall be abridged.

Provided alway, that this present Act, or any thing therein contained, shall not extend, ne take place to abridge, deprive, or minorate any Liberties, Privilege, or Authority of any Lord Marcher, heretofore granted to the same Lord, or lawfully used or accustomed by the said Lord or any of his Ancestors, unless



the foresaid Offenders happen to be indicted, outlawed, arraigned, convicted, or attainted by force of this Act as is abovesaid, within Two Years next after such Murther or other felonious Offence perpetrated, done, or committed within the said Lordships Marchers, or any of them; any thing in this present Act before rehearsed to the contrary notwithstanding. s. 11.

All Murthers, Robberies, Felonies, and Accessories of the same, which shall happen hereafter to be done, perpetrated, or committed within the Shire of Merioneth in Wales, shall and may be from henceforth inquired, heard, and determined in the Counties of Carnervan or Anglesee, before the King's Justices of North Wales, or his Deputy for the time being, by the Verdict or Inquest to be taken by the Inhabitants of the same Shires of Carnervan and Anglesee, or otherwise, if by the discretion of the Justice there, or his Deputy, shall be thought convenient; and that the same Justice, or his Deputy for the time being, shall have full power and authority by his discretion, by force of this present Act, to hear and determine all and every the aforesaid Murthers, Felonies, Robberies, and Accessories in form aforesaid. s. 12.

And where heretofore upon divers Murthers, Robberies, and Felonies perpetrated and done, as well within the Lordships Marchers of Wales as in other places of Wales without the same Lordships, the Offenders divers times flee and escape from the same Lordship or other place where such Offence was committed, and have repaired and resorted into another Lordship Marcher, and there, by the aid, comfort, and favour of the Lord of the same Lordship, or his Officer or Officers, have been abiding and resiant, into the which Lordship the same Lords Marchers have and do pretend a Custom and Privilege, that none of the King's Ministers or Subjects may enter to pursue, apprehend, and attach any such Offender thereunto repaired as is aforesaid, by reason whereof the same Offenders wept unpunished, to the animation and encouraging of other evil disposed people; it is therefore enacted by the authority abovesaid, that every Officer and Officers, and their Deputies, upon commandment given by the Commissioners or Council of the Marches for the time being, shall bring, send, or deliver every such Offender to the Officer of the Lordship Marcher, or other place where any such Offence is or shall be committed or done, upon the metes and bounds of the said Lordships, or to the said Commissioners or Council, according as the said Of-

Where felonies committed in Merioneth in Wales shall be inquired of, heard, and determined.  
And see post, s. 84, 85. of 34, 35 H. 8. c. 26.

Where and to whom any offender taken in Wales shall be delivered.

ficers by them shall be commanded, under pain of Forty Pounds; the same Commandment or Commission to be directed to any such Officer to be sent, conveyed, and delivered by a Serjeant at Arms, or a Pursevant, attendant on the said Council in the Marches for the time being. 26 H. 8. c. 6. s. 13.

Co. Inst. 111.  
3 Bulst. 117.

The King's Highness considering the manifold Robberies, Murthers, Thefts, Trespasses, Riots, Routs, Embraceries, Maintenances, Oppressions, Ruptures of his Peace, and many other Malefacts, which been daily practised, perpetrated, committed, and done within his Counties, and County Palatine of Chester, and Flintshire in Wales, adjoining to the said County of Chester, and also in his Counties of Anglice, otherwise called Anglesey, Cayernervan, and Mereoneth, within his Principality of North Wales; and also in his Counties of Cardigan, Cayermerthen, Pembroke and Glamorgan, in South Wales, by reason that common justice hath not been indifferently ministred there, like and in such form as it is in other places of this his Realm; by reason whereof the said Murthers, Robberies, Thefts, Trespasses, and breaking of the Peace have remained unpunished, to the great animation of evil doers in the same Countries; for redress and amputation whereof, and to the intent that one order of ministering of his Laws should be had, observed, and used in the same, as in other places of this Realm of England is had and used, it is ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by authority of the same, that the Lord Chancellor of England, or the Lord Keeper of the Great Seal for the time being, from time to time, and at all times, shall have full power and authority by his discretion to nominate and appoint Justices of Peace, Justices of the Quorum, and Justices of Gaol Delivery in the said Counties of Chester, Flint, Anglesey, Kayernervan, Mereoneth, Cardigan, Kayermerthen, Pembroke, and Glamorgan, by Commission under the King's Great Seal, which shall have full power and authority to inquire, hear, and determine all manner thing and things inquirable, presentable, or determinable before Justices of Peace, Justices of Quorum, and Justices of Gaol Delivery in other Shires of this Realm of England, by force or virtue of any Statute or Statutes made and to be made, or by the course of the Common Laws of this Realm: And that the said Justices of Peace, Justices of Quorum, and Justices of Gaol Delivery, so to be named and appointed by the said

Justices of peace, of quorum, and of gaol-delivery shall be assigned in certain shires in Wales, and their authority. And see post, stat. 18 Eliz. c. 8.

Lord Chancellor, or Lord Keeper of the Great Seal, and every of them, shall have like power and authority within the said Counties of Chester, Flint, Anglesey, Kayernervan, Mereoneth, Cardigan, Kayernmerthen, Pembroke, and Glamorgan, to do, use, and execute every thing and things, as other Justices of Peace, Quorum, and Gaol Delivery have within any other of the Shires of this Realm of England; and also shall be sworn, astricted, and obliged to the keeping of their Sessions of the Peace, and to the due execution of all and singular Statutes and Ordinances made and to be made, in like manner and form, and under like Pains and Penalties, as Justices of Peace, Quorum, and Gaol Delivery in other Shires of this Realm of England been and shall be bounden and obliged; any Act, Statute, Prescription, Usage, Custom, Liberty, or Privilege had, made, accustomed, or used to the contrary notwithstanding 27 H. 8. c. 5. s. 1.

The Extreats of the Issues, Fines, and Amerciaments, taxed, set, lost, or forfeited by or before such Justices of Peace, Quorum, and Gaol Delivery in the said Counties of Chester and Flint, shall be returned and certified into the Exchequer of Chester before the King's Chamberlain there. s. 2.

Into what courts  
estreats shall be  
returned for  
Chester and  
Flint.

And that the Extreats of the Issues, Fines, and Amerciaments, taxed, set, lost, or forfeited, by or before the Justices of Peace, Quorum, and Gaol Delivery, in the said Counties of Anglesey, Kayernervan, and Mereoneth, and every of them, shall be returned and certified into the King's Exchequer at Kayernervan, to and before the King's Chamberlain of North Wales. s. 3.

For Anglesey,  
Kayernervan,  
and Mereoneth.

And that the Extreats of the Issues, Fines, and Amerciaments, taxed, set, lost, or forfeited by or before the Justices of Peace, Quorum, and Gaol Delivery, in the said Counties of Anglesey, Kayernmerthen, and Cardigan, and every of them, shall be returned and certified into the King's Exchequer at Kayernmerthen, to and before the King's Chamberlain of South Wales. s. 4.

For Kayernmer-  
then and Car-  
digan.

And that the Extreats of the Issues, Fines, and Amerciaments, taxed, set, lost, or forfeited by or before the Justices of Peace, Quorum, and Gaol Delivery, in the County of Pembroke, shall be returned and certified unto the King's Exchequer at Pembroke. s. 5.

For Pembroke.

And that the Extreats of the Issues, Fines, and Amerciaments, taxed, set, lost, or forfeited by or before the Justices of Peace, Quorum, and Gaol Delivery, in the said County of Glamorgan, shall be returned and certified into the King's Exchequer of Caierdiff. And that the said Extreats of the said Issues, Fines, and

For Glamorgan.

Amerciaments, certified and returned into every of the foresaid Exchequers, shall be indented in such like manner and form as is used in the King's Exchequer at Westminster. And that the said Justices of Peace and Quorum, or Gaol Delivery, in every of the said Shires, shall direct such like Process by Extreats indented, within the Extreats certified into the said Exchequers, to the Sheriff of every of the said Counties, for the levying and gathering of the said Issues, Fines, and Amerciaments, in such like manner and form as is used by the Justices of Peace, Quorum, and Gaol Delivery, in every other of the Shires within this Realm of England. 27 H. 8. c. 5. s. 6.

Sheriff and other officers shall be attendant to the justices.

The Sheriff or his Deputy, and all other his Ministers, in all and every of the said Shires, and all Coroners, High Constables, Petty Constables, and all other Officers within every of the Shires, shall be obliged and bounden to be as well attendant unto the said Justices of Peace, Quorum, and Gaol Delivery, in all and every thing and things concerning their Authorities, as in executing and returning of all Precepts and Processes to them directed by any of the said Justices, in like manner and form, and under like Pains and Penalties, as all and every Sheriffs, Coroners, and other Officers be and shall be bounden and obliged by any Statute or Common Law in other Shires of this Realm of England; any Act, Statute, Prescription, Usage, Custom, Liberty, or Privilege, had, accustomed, or used to the contrary notwithstanding. s. 8.

The Statute 27 H. 8. c. 7. recites many unlawful Customs, Exactions, and Abuses practised in the Forests in Wales, and then enacts (s. 3.) that the same unlawful Customs shall be determined, void, and had for nought, throughout all and every the said Forests within Wales and the Marches of the same.

All the king's subjects and friends may pass freely through all the forests in Wales without payment of any unlawful exactions.

It shall be lawful from thenceforth to all and every the King's true Subjects, and all other person or persons being in league and amity with our sovereign Lord the King, his Heirs and Successors, Kings of England, freely, quietly, and in peace to pass and repass, travel and go into and throughout the said Forests, and every of them, both on horse-back and on foot, as well following and driving of Cattle, as with carrying of Wares, or otherwise, about their lawful Business and Affairs, without any Fine or Forfeiture, Toll, Custom, Exaction, or other Imposition to be taken, exacted, or demanded of them, or any of them, by the said Foresters, Rulers, Walkers, Farmers, or their Assigns; and if it shall chance or happen any of the said Foresters, Rulers, Walkers, Farmers, or their Assigns, or any of them, at any

Persons taking such exactions shall be punished as robbers.

time after the said Feast of Saint John Baptist, o take any person or persons, being the King's true Subjects, or otherwise in league and amity with our said sovereign Lord, his Heirs or Successors, Kings of England, as is aforesaid, and exact and take of them or any of them, any of the said Forfeitures, Fines, Tolls, Customs, and Exactions, as is above mentioned, and be thereof lawfully convicted, that then he or they so doing and offending contrary to this Act, to incur and stand in the dangers of the Statute heretofore provided for Robberies by the King's Highway, and the same to be tried before the Justices of the Peace in the next Shire adjoinant, according to the Law of this Realm of England. s. 4.

If any manner of Beast or quick Cattle of any of the King's true Subjects, or others of the King's Friends, at any time after the said Feast of the Nativity of Saint John Baptist, do come into any the said Forests, by strays, thief-stolen, or otherwise, and there be marked and seised by any of the said Foresters, Rulers, Walkers, Farmers, or their Assigns, or any of them, and the Owner and Owners of the same Cattle within One Year and a Day then next ensuing, chance to find the said Cattle so taken, and lawfully prove the same to be his or their own proper Cattle, that then the same Cattle to be redelivered to the Owner or Owners thereof, according to the ancient Law of this Realm of England, the said Owner or Owners reasonably paying for the keeping of such Cattle after the rate of the time that such Cattle shall have been in the custody and keeping of any such Foresters, Rulers, Walkers, and Farmers, or his or their Assigns, in such manner and form as heretofore hath been in like case used to be done by the Law of this Realm of estrayed Cattle claimed and proved by the Owners, within a Year and a Day next after the seizing of the same Cattle: and if any of the said Foresters, Rulers, Walkers, Farmers, or their Assigns, or any of them, do deny the deliverance of all such Cattle, by them or any of them so seized or marked within any of the said Forests, after the Owner or Owners of them shall have duly and lawfully proved them to be his or their own proper Goods and Cattles, as is aforesaid, that then every such Forester, Ruler, Walker, Farmer, or their Assigns, so doing and offending contrary to this Act, to forfeit and pay unto the Party grieved, the Double Value of all such Cattle as shall be so taken and marked and not delivered to the Owner or Owners, as is aforesaid: and that the Party grieved may have his Action of Detinue at the Common

Cattle strayed being recovered within a year, shall be redelivered to the owner.

Persons unlawfully detaining strayed cattle

liable to an  
action of  
detinue.

Justice executed  
in Wales in  
manner as it is  
in England, &c.  
Co. 4. p. Inst.  
233.

The causes why  
a diversity hath  
been made be-  
tween the king's  
subjects of Eng-  
land and Wales.  
2 Bulstr. 1, 6.  
3 Bulstr. 117.

Palmer, 15.  
All persons  
born in Wales  
shall enjoy all  
liberties as other  
subjects in Eng-  
land do.

Law, of and for the same Cattle, against every such Offender or Offenders, and the same to be tried in the next Shire adjoinant; in which Action the Defendant shall not be admitted to wage his Law, nor Essoign, nor Protection shall be allowed for them; and like Process of Outlawry to be had and made in the said Action of Detinue, in the next Shire adjoinant, against every Forester, Ruler, Walker, Farmer, or their Assigns, so offending contrary to the tenor of this Act, as in an Action of Tresspass at the Common Law of this Realm is used. 27 H. 8. c. 7. s. 5.

Albeit the Dominion, Principality, and Country of Wales justly and righteously is, and ever hath been incorporated, annexed, united, and subject to and under the temporal Crown of this Realm, as a very Member and Joint of the same, wherefore the King's most Royal Majesty of mere droit, and very right, is very Head, King, Lord, and Ruler; yet notwithstanding, because that in the same Country, Principality, and Dominion, divers Rights, Usages, Laws, and Customs be far discrepant from the Laws and Customs of this Realm, and also because that the people of the same Dominion have, and do daily use a Speech nothing like, ne consonant to the natural Mother Tongue used within this Realm, some rude and ignorant people have made Distinction and Diversity between the King's Subjects of this Realm and his Subjects of the said Dominion and Principality of Wales, whereby great Discord, Variance, Debate, Division, Murmur, and Sedition, hath grown between his said Subjects: His Highness therefore, of a singular Zeal, Love, and Favour, that he beareth towards his Subjects of his said Dominion of Wales, minding and intending to reduce them to the perfect Order, Notice and Knowledge of his Laws of this his Realm, and utterly to extirp all and singular the sinister Usages and Customs differing from the same, and to bring his said Subjects of this his Realm and of his said Dominion of Wales to an amiable Concord and Unity, hath, by deliberate Advice, Consent, and Agreement of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, ordained, enacted, and established, that his said Country, or Dominion of Wales, shall be, stand, and continue for ever from henceforth incorporated, united, and annexed to and with this his Realm of England: And that all and singular person and persons born and to be born in the said Principality, Country, or Dominion of Wales, shall have, enjoy, and inherit all and singular Freedoms, Liberties, Rights, Privi-



leges, and Laws, within this Realm and other the King's Dominions, as other the King's Subjects naturally born within the same have, enjoy, and inherit. (1) 27 H. 8. c. 26, s. 1.

And that all and singular person and persons inheritable to any Manors, Lands, Tenements, Reversions, Services, or other Hereditaments, which shall descend after the Feast of All-Saints next coming, within the said Principality, Country, or Dominion of Wales, or within any particular Lordship, Part, or Parcel of the said Country or Dominion of Wales, shall for ever, from and after the said Feast of All-Saints, inherit and be inheritable to the same Manors, Lands, Rents, Tenements, Reversions, and Hereditaments, after the English Tenour, without Division or Partition, and after the Form of the Laws of this Realm of England, and not after any Welsh Tenure, ne after the Form of any Welsh Laws or Customs: And that the Laws, Ordinances, and Statutes of this Realm of England, for ever, and none other Laws, Ordinances, ne Statutes, from and after the Feast of All-Saints next coming, shall be had, used, practised, and executed in the said Country or Dominion of Wales, and every Part thereof, in like Manner, Form, and Order as they be and shall be had, used, practised, and executed in this Realm, and in such like Manner and Form as hereafter by this Act shall be further established and ordained; any Act, Statute, Usage, Custom, President, Liberty, Privilege, or other thing, had, made, used, granted, or suffered, to the contrary in anywise notwithstanding. s. 2.

The laws of England shall be used in Wales.

Cok. pl. f. 550.  
Dyer, f. 113.  
Plow. f. 118.

And forasmuch as there be many and divers Lordships Marchers within the said Country or Dominion of Wales, lying between the Shires of England and the Shires of the said Country or Dominion of Wales, and being no Parcel of any other Shires where the Laws and due Correction is used and had; by reason whereof hath ensued, and hath been practised, perpetrated, committed, and done, within and among the said Lordships and Countries to them adjoining, manifold and divers detestable Murthers, brenning of Houses, Robberies, Thefts, Routs, Riots, unlawful Assemblies, Embraceries, Maintenances, receiving of Felons, Oppressions, Ruptures of the Peace, and manifold other Malefacts, contrary to all Laws and Justice; and the said Offenders thereupon making their refuge from Lordship to Lordship, were and continued without Punishment or Correction:

Lordships marchers, and the disorders committed therein.

(1) Wales was originally united to England by the Stat. Wallie, 12 Ed. 1.

Lordships marchers divided into shires.

The county of Monmouth, and the towns within the same.

Actions for lands or other things to be sued in the county of Monmouth.

For due reformation whereof, and forasmuch as divers and many of the said Lordships Marchers be now in the Hands and Possession of our Sovereign Lord the King, and the smallest Number of them in the Possession of other Lords, it is therefore enacted by the authority aforesaid, that divers of the said Lordships Marchers shall be united, annexed, and joined to divers of the Shires of England, and divers of the said Lordships Marchers shall be united, annexed, and joined to divers of the Shires of the said Country or Dominion of Wales, in Manner and Form hereafter following; and that all the rest of the said Lordships Marchers within the said Country or Dominion of Wales, shall be severed and divided into certain particular Counties or Shires, that is to say, the County or Shire of Monmouth, the County or Shire of Brecknock, the County or Shire of Radnor, the County or Shire of Mountgomery, the County or Shire of Denbigh: And that the Lordships, Townships, Parishes, Commotes, and Cantreds of Monmouth, Chepstow, Matherne, Llanvihangel, Magour, Goldecliffe, Newport, Wenllonge, Llanwerne, Caerlion, Usk, Treleck, Tintern, Skynfreth, Gronsmon, Witecastle, Reglan, Calicote, Biston, Abergevenny, Penrose, Grenefield, Maghen, and Hochuyslade, in the Country of Wales, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compass or precinct of the said Lordships, Townships, Hamlets, Parishes, Commotes, and Cantreds, and every of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be, from and after the said Feast of all Saints, guildable; and shall be reputed, accepted, named, and taken as Parts and Members of the said Shire of Monmouth: And that that the Town of Monmouth shall be named, accepted, reputed, used, had, and taken, Head and Shire-town of the said County or Shire of Monmouth; and that the Sheriffs County or Shire-court of and for the said Shire and County of Monmouth, shall be holden and kept one time at the said Town of Monmouth, and the next time at the Town of Newport in the same County or Shire, and so to be kept in the same two Towns alternis vicibus, and according to the Laws of this Realm of England for ever, and in none other places. 27 H. 8. c. 26. s. 3.

All Actions Reals that hereafter shall be commenced or sued for any Lands, Tenements, or Hereditaments, or any other thing within the said County or Shire of Monmouth, and all Actions Personals within the same Shire or County of the Sum of

xl. s. or above, and all Actions Mixt, shall be sued by original Writ out of the King's High Court of Chancery in England, and heard, determined, and tried before the King's Justices in England, by Assise or Nisi Prius, within the said County of Monmouth, in such like Manner, Form, and Wise, as all other Actions Reals, Personals, and Actions Mixt, be sued, heard, determined, and tried in, or for any Shire of this Realm of England: And that the King's Justices of his Bench, or of his Common Bench of Westminster, shall have full Power and Authority to direct all manner Process to the Sheriff, and all other Officers of the said County of Monmouth, and also to direct Writs of Venire facias to the same Sheriff, for the Trial of every issue joined before them; and also to award Commissions of Nisi Prius into the said County of Monmouth, for the Trial of such Issues joined before them, in like Manner and Form as they do into every Shire of this Realm of England: And all and every the King's Subjects and Inhabitants within the said County of Monmouth, shall be for ever from and after the said Feast of All Saints, obliged and bounden to be obedient and attendant to the Lord Chancellor of England, the King's Justices, and other of the King's most honourable Council, and unto all Laws, Customs, Ordinances, and Statutes of this Realm of England, in like Manner, Form, and Wise, as all other the King's Subjects within every Shire of this Realm of England be obliged and bounden; any Act, Statute, Usage, Custom, Liberty, Privilege, or any other thing, to the contrary in anywise notwithstanding: And that the Sheriff of the said County shall hold Plea of Replegiare, and all other Suits and Complaints under Forty Shillings, in his County or Shire-Court, in like Manner and Form as all other Sheriffs do within this Realm of England: And that the Sheriffs, Escheators, and Coroners, that hereafter shall be within the said County or Shire of Monmouth, shall be obliged and bounden to execute all the King's Processes, and to make due Returns thereof, and to use and exercise their Offices according to the Laws and Statutes of this Realm of England, in all and every thing, as the Sheriffs, Escheators, and Coroners be obliged and bounden to do in all and every other Shire of this Realm of England: And that the Sheriffs and Escheators of the said Shire or County of Monmouth that hereafter shall be appointed by our Sovereign Lord the King, make their Accounts for their said Offices in the King's Exchequer in England, in like Manner and Form as other Sheriffs and Escheators do within this Realm

Savill. 12.  
2 Roll. 29.

The King's justices may award venire facias into the county of Monmouth, and all other process.

The inhabitants of the county of Monmouth obedient to the king's officers and laws.

The sheriffs and escheators of Monmouth duties.

of England, and upon such like Pain and Penalty as is upon other Sheriffs and Escheators in every other Shire within this Realm of England. 27 H. 8. c. 26. s. 4.

**Brecknockshire.**

The Lordships, Townships, Parishes, Commotes, and Cantreds of Brecknock, Creckhowel, Tretowre, Penkelly, English-talgarth, Welsh targarth, Dyans, the Haye, Glynebogh, Broyulles, Cantercelly, Lando, Blaynllinby, Estrodew, Buelthe, and Lingros, in the said Country or Dominion of Wales, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compass or precinct of the said Lordships, Parishes, Commotes, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be for ever from the said Feast of All-Saints guildable; and shall be reputed, accepted, named, and taken as Parts and Members of the said County or Shire of Brecknock: And that the said Town of Brecknock shall be named, accepted, reputed, used, had, and taken, Head and Shire-town of the said Shire or County of Brecknock; and that the Shire-Court or County of and for the said Shire or County of Brecknock, shall be holden and kept in the said Town of Brecknock. s. 5.

**Radnorshire.**

The Lordships, Townships, Parishes, Commotes, and Cantreds of New Radnor, Elistherman, Elue-lcs, Bonghred, Glasebery, Glawdistre, Mihelles Church, Meleneth, Blewagh, Knighton, Norton, Preston, Commorhudet, Rayder, Gwethronyon, and Stanage, in the said Country of Wales, and every of them, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compass or precinct of the said Lordships, Townships, Parishes, Commotes, and Cantreds, or any of them, in whose Possessions soever they be or shall be, and every Part thereof, shall stand and be for ever from the said Feast of All-Saints guildable; and shall be reputed, accepted, named, and taken as Parts and Members of the said County or Shire of Radnor: And the said Town of New Radnor shall be named, accepted, reputed, used, had, and taken, Head and Shire-town of the said County or Shire of Radnor; and that the Shire-Court or County of and for the said County or Shire of Radnor, shall be holden and kept one time at the said Town of New Radnor, and the next time at the Town of Rothergowy in the same County or Shire, and so to be kept in the said two Towns alternis vicibus for ever, and in none other place. s. 6.

The county  
court of Radnor.

The Lordships, Townships, Parishes, Commotes, and Cantreds of MOUNTGOMERY, Kedewenkerry, Cawrsland, Arustely, Keviliock, Doythur, Powesland, Clunesland, Balesley, Tempcester, and Alcestre, in the said Country of Wales, and every of them, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compass or precinct of the said Lordships, Parishes, Townships, Commotes, and Cantreds, or in any of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be for ever from the said Feast of All-Saints guildable; and shall be reputed, accepted, named, and taken as Parts and Members of the said County or Shire of MOUNTGOMERY: And that the said Town of MOUNTGOMERY shall be named, accepted, reputed, used, had, and taken, Head and Shire-town of the said County of MOUNTGOMERY; and that the County or Shire-Court of and for the said County or Shire of MOUNTGOMERY, shall be holden and taken the first time at the said Town of MOUNTGOMERY, and the next time at the Town of Maghenleth in the same Shire or County, and so to be kept in the same two Towns alternis vicibus for ever, and in none other place. s. 7.

Mountgomery-shire.

The Lordships, Townships, Parishes, Commotes, and Cantreds of DENBIGHLAND, Ruthin, Saint Tasse, Kinllethowen, Bromfilde, Yale, Chirke and Chirkeland, Molesdale, and Hopedale in the said Country of Wales, and every of them, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the compass or precinct of the said Lordships, Townships, Commotes, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be for ever, from the said Feast of All-Saints guildable; and shall be reputed, accepted, named, and taken as Parts and Members of the said County or Shire of DENBIGH: And that the said Town of DENBIGH shall be named, accepted, reputed, used, had, and taken, Head and Shire Town of the County or Shire of DENBIGH; and that the County or Shire Court of and for the said County or Shire of DENBIGH, shall be holden and kept the first time at the said Town of DENBIGH, and the next time at the Town of Wrixham in the said Shire or County, and so to be kept in the same two Towns alternis vicibus for ever, and in none other Place. s. 8.

Denbighshire.

And forasmuch as the Counties and Shires of Brecknock, Radnor, MOUNTGOMERY, and DENBIGH, be far distant from the City of London, where the Laws of England be commonly used,

The king shall have a chancery and exchequer at Brecknock and another at Denbigh.

The accompts  
of the sheriffs,  
escheators, and  
other officers.

ministred, exercised, and executed; and for that the Inhabitants of the said Shires of Brecknock, Radnor, Mountgomery, and Denbigh be not of Substance, Power, and Ability to travel out of their Countries to seek the Administration of Justice; it is therefore enacted by the Authority aforesaid, that the King our Sovereign Lord shall have one Chancery and Exchequer at his Castle of Brecknock, and one other at his Town and Castle of Denbigh: And that the Sheriffs, Escheators, and other Officers Accomptants of the Counties of Brecknock, Radnor, Mountgomery, and Denbigh, from and after the said Feast of All-Saints, shall be yearly appointed by our Sovereign Lord the King, for and within every of the said Shires of Brecknock, Radnor, Mountgomery, and Denbigh: And that the Sheriffs, Escheators, and other Officers Accomptants of the Counties of Brecknock and Radnor, from and after the said Feast of All-Saints, shall yearly make their Accounts before the King's Auditors, and such Chamberlain or Baron of the said Exchequer, as shall be thereunto appointed by our said Sovereign Lord the King, in such like manner and form as Sheriffs, Escheators, and other Officers Accomptants, do yearly make their Accompts in the King's Exchequer at Westminster within this Realm of England: And that the Sheriffs, Escheators, and other Officers, Accomptants of the Counties of Mountgomery and Denbigh, from and after the said Feast of All-Saints, shall yearly make their Accompt before the King's Auditors, and such Chamberlain or Baron of the said Exchequer as shall be thereunto appointed by our said Sovereign Lord the King, in such like manner and form as Sheriffs, Escheators, and other Officers Accomptants, do yearly make their Accompts in the King's Exchequer at Westminster within this Realm of England. 27 H. 8. c. 26. s. 9.

Justice used in  
Brecknock,  
Radnor, Mount-  
gomery, and  
Denbigh.  
Vaughan 417.

And that Justice shall be ministred, used, exercised, and executed unto the King's Subjects and Inhabitants in every of the said Shires of Brecknock, Radnor, Mountgomery, and Denbigh, according to the Laws and Statutes of this Realm of England, and according to such other Customs and Laws now used in Wales aforesaid, as the King our Sovereign Lord and his most honourable Council shall allow, and think expedient, requisite, and necessary, by such Justicer or Justicers, as shall be thereunto appointed by our said Sovereign Lord the King, and after such Form and Fashion as Justice is used and ministred to the King's Subjects within the three Shires of North Wales. s. 10.

Towns annexed  
to the county of  
Salop.

And also it is enacted by Authority aforesaid, that the Lordships, Towns, Parishes, Commotes, Hundreds, and Can-



treds of Oswester, Whetington, Masdroke, Knoking, Ellesmer, Downe, and Churbury Hundred, in the Marches of Wales aforesaid, that every of them, and all and singular Honours, Lordships, Castles, Manors, Towns, Hamlets, Lands, Tenements, and Hereditaments, lying or being within the Compass or Precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be for ever, from and after the said Feast of All-Saints, guildable, and shall be united, annexed, and joined to and with the County of Salop, as a Member, Part or Parcel of the same: And that the said Lordships of Oswester, Whetington, Masbroke, and Knoking, with their Members, shall be taken, named, and known by the Name of the Hundred of Oswester, in the County of Salop; and that the Inhabitants thereof shall be attendant, and do every thing and things at every Sessions, Assize and Gaol Delivery, to be holden within the County of Salop, as the Inhabitants of all other Hundreds do within the said County of Salop, according to the Laws of this Realm of England: And that the Lordship of Ellesmer, with the Members of the same, shall be united, joined, and knit to the Hundred of Pymhill, in the County of Salop, and shall be taken, named, and known to be Parcel of the same Hundred; and the Inhabitants thereof shall be attendant, and do every thing and things with the Inhabitants of the said Hundred of Pymhill, as the Inhabitants of the same Hundred now do and use, according to the Laws of this Realm of England: And that the Lordship of Downe with the Members, shall be united, joined and knit to the Hundred of Churbury, in the County of Salop; and that the Inhabitants of the said Hundred of Churbury and Lordship of Downe shall be attendant to do every thing and things, at every Sessions, Assize, and Gaol Delivery, to be holden within the said County of Salop, as the Inhabitants of all other Hundreds do within the said County of Salop according to the Laws of this Realm of England: And that the said Hundred of Churbury after the said Feast of All-Saints, nor the said Hundred of Oswester, nor yet the Lordship of Ellesmer, shall be in no wise otherwise privileged, nor have no other Liberty nor Privilege, but as Hundreds united, annexed, and knit to the said County of Salop, as other Hundreds be within the said County. s. 11.

Oswester hundred in the county of Salop.

Ellesmer in Pymhill hundred.

Downe in Churbury hundred.

And that the Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds of Ewyas lacy, Ewyas harold, Clifford, Wyforton, Yerdeley, Huntynghon, Whytney, Wygmore, Logharneys and Stepulton, in the said Marches of Wales, and every

Town annexed to the county of Hereford.

of them, and all and singular Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the Compass or Precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be for ever, from and after the said Feast of All-Saints, guildable; and shall be united, annexed, and joined to and with the County of Hereford, as a Member, Part, or Parcel of the same County of Hereford: And that the Lordships of Wygmore and Logharneys, with their Members, shall be taken, named, and known by the Name of the Hundred of Wygmore, in the County of Hereford aforesaid; and that the Inhabitants thereof shall be attendant, and do every thing and things, at every Sessions, Assize, and Gaol Delivery to be holden within the said County of Hereford, as the Inhabitants of all other Hundreds do within the said County of Hereford, according to the Laws of this Realm of England: And that the whole Lordship of Ewyas lacy, with the Members, shall be taken, named, and known by the Name of the Hundred of Ewyas lacy within the said County of Hereford, and the Inhabitants thereof shall be attendant, and do every thing and things, at every Sessions, Assize, and Gaol Delivery to be holden within the said County of Hereford, as the Inhabitants of all other Hundreds do within the said County of Hereford, according to the Laws of this Realm of England: And that the Lordship of Ewyas harold, with the Members, shall be united, joined, and knit to the Hundred of Webtree, in the said County of Hereford, and shall be taken, named, and known to be Parcel of the said Hundred of Webtree; and the Inhabitants thereof shall be attendant, and do every thing and things with the Inhabitants of the same Hundred of Webtree, as the Inhabitants of the same Hundred now do, according to the Laws of this Realm of England: And that the Lordships of Clyfford, Wynforton, Yerdlesley, Whitney, and Huntington, with their Members, shall be taken, named, and known by the Name of the same Hundred of Huntington, within the County of Hereford aforesaid; and that the Inhabitants thereof shall be attendant, and do every thing and things, at every Sessions, Assize, and Gaol Delivery to be holden within the said County of Hereford, as the Inhabitants of all other Hundreds do within the said County of Hereford, according to the Laws of this Realm of England: And that the said Hundred of Wygmore, with the Members, and the said Hundred of Ewyas lacy, and the said Hundred of Huntington, and the said Lord-

ship of Ewys harold, annexed unto the Hundred of Webtree, after the said Feast of All Saints, shall be no wise otherwise privileged, nor have no other Liberty, Franchises, ne Privilege, but as Hundreds united and annexed to the said County of Hereford, and as other Hundreds be within the said County of Hereford. 27 H. 8. c. 26. s. 12.

And that the Lordships, Towns, and Parishes of Wallastone, Tidnam, and Becheley in the said Marches of Wales, and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments lying or being between Chepstow Bridge in the said Marches of Wales and Gloucestershire, in whose Possession soever they be or shall be, and every Part thereof, shall stand and be guildable from and after the said Feast of All Saints, and shall be united, annexed, and joined to and with the said County or Shire of Gloucester, as a Member, Part, or Parcel of the same; and that the said Lordships, Towns, and Parishes of Wallastone, Tidnam, and Becheley, and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being between Chepstow Bridge and the Shire of Gloucester as is aforesaid, shall be united, joined, and knit to the Hundred of Wesebery within the said Shire of Gloucester, and shall be taken, named, and known to be Part and Parcel of the same Hundred; and the Inhabitants thereof shall be attendant, and do every thing and things with the Inhabitants of the said Hundred of Wesebery, as the Inhabitants of the same Hundred now do according to the Laws of this Realm of England; and that the said Lordships of Wallastone, Tidnam, and Becheley, after the said Feast of All Saints, shall be in no wise privileged, nor have no other Liberty, Franchise, ne Privilege, but as Parcel of the said Hundred of Wesebery in the County of Gloucester. s. 13.

Towns in the marches of Wales annexed to the county of Gloucester.

And that the Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds of Gowerkilvey, Bishops Town, Landaffe, Singhnithe supra, Singhnithe subtus, Maskin, Ogmore, Glyne-rotheney, Tallagarney, Ruthien, Tallavan, Lanblethyan, Lantwid, Tyeryal, Avan, Nethe, Landewey, and the Clays in the said Country of Wales, and every of them; and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments, lying or being within the Compass or Precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever from and after the said Feast of All Saints, and shall be

Towns annexed to the county of Glamorgan.

united, annexed, and joined to and with the County of Glamorgan, as a Member, Part, or Parcel of the same; and that the said Shire of Glamorgan and Mordannoke, and all the aforesaid Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, united and annexed to the said County of Glamorgan, shall from and after the said Feast of All Saints, be reputed, named, accepted, and known by the Name and Shire of Glamorgan only, and by none other Name. 27 H. 8. c. 26. s. 14.

Justice executed  
in Glamorgan-  
shire.

And that from and after the said Feast of All Saints justice shall be ministred and executed to the King's Subjects and Inhabitants of the said County of Glamorgan, according to the Laws, Customs, and Statutes of this Realm of England, and after no Welsh Laws, and in such Form and Fashion as justice is ministred and used to the King's Subjects within the Three Shires of North Wales. s. 15.

Towns annexed  
to the county of  
Kaiermarthen.

And that the Lordships, Towns, Parishes, Commotes, Hundreds and Cantreds of Lanemtheverey, Abermerlese, Redwely, Elkenning, Cornewolthou, Newcastle, Emell, Abergoyly, in the said County of Wales, and every of them, and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments lying or being within the Compass or Precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, or any of them, in whose Possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever from and after the said Feast of All Saints, and shall be united, annexed, and joined to and with the County of Kayermarthen, as a Member, Part, or Parcel of the same; and that from and after the said Feast of All Saints, justice shall be ministred and executed to the King's Subjects and Inhabitants of the said County of Kayermarthen, according to the Laws, Customs, and Statutes of this Realm of England, and after no Welsh Laws, and in such Form and Fashion as justice is ministered and used to the King's Subjects within the Three Shires of North Wales. s. 16.

Towns annexed  
to the county of  
Pembroke.  
Co. Inst. 4.  
p. 222.

And that the Lordships, Towns, Parishes, Commotes, Hundreds and Cantreds of Haverfordwest, Kilgarran, Lansteffan, Langeharne, otherwise called Tellaugherne, Walwaynscastle, Dewys-land, Lannehadein, Lanfey, Herberth, Slebeche, Kosmarket, Castellán, and Landoffleure in the said Country of Wales, and every of them, and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments lying and being within the compass or precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, Cantreds, or any of them, in

whose possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever, from and after the said Feast of All Saints, and shall be united, annexed, and joined to and with the County of Pembroke; and that from and after the said Feast of All Saints, justice shall be ministred and executed to the King's Subjects and Inhabitants of the said County of Pembroke, according to the Laws, Customs, and Statutes of this Realm of England, and after no Welsh Laws, and in such form and fashion as justice is ministred and used to the King's Subjects within the three Shires of North Wales. 27 H. 8. c. 26. s. 17.

And that the Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds of Tregaron, Glanergine, Landway, Ureny, in the said Country of Wales, and every of them, and all Honours, Lordships, Castles, Manors, Lands, Tenements, and Hereditaments lying or being within the compass or the precinct of the said Lordships, Towns, Parishes, Commotes, Hundreds, and Cantreds, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever, from and after the said Feast of All Saints, and shall be united, annexed, and joined to and with the County of Cardigan, as a member, part, and parcel of the same; and that from and after the said Feast of All Saints, justice shall be ministred and executed to the King's Subjects and Inhabitants of the said County of Cardigan, according to the Laws, Customs, and Statutes of this Realm of England, and after no Welsh Laws; and in such form and fashion as justice is ministred and used to the King's Subjects within the three Shires of North Wales. s. 18.

Towns annexed to the county of Cardigan.

And that the Lordships, Towns, and Parishes of Mouthway in the said Country of Wales, in whose possession soever they be, and all Lands, Tenements, and Hereditaments now lying or being within the compass or precinct of the said Lordship, Town, and Parish of Mouthway, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever, from and after the said Feast of All Saints, and shall be united, annexed, and joined to and with the County of Mereoneth in North Wales, as a commote, member, part, or parcel of the same. s. 19.

Towns annexed to the county of Mereoneth.

All Justices, Commissioners, Sheriffs, Coroners, Escheators, Stewards, and their Lieutenants, and all other Officers and Ministers of the Law, shall proclaim and keep the Sessions, Courts, Hundreds, Leets, Sheriffs Courts, and all other Courts, in the

Sessions, courts leets, &c. shall be kept in the English tongue.

No person using  
Welsh speech  
shall have any  
office or fee.

These sheriffs  
shall put every  
misruled per-  
son under com-  
mon mainprize.  
34 H. 8. 26.

Certificate of  
Recognizance  
in Monmouth.

Certificate of re-  
cognizances.

Appearance of  
them which are  
bound.

English Tongue; and all Oaths of Officers, Juries, and Inquests, and all other Affidavits, Verdicts, and Wagers of Law, to be given and done in the English Tongue; and also that from henceforth no person or persons that use the Welsh Speech or Language, shall have or enjoy any manner Office or Fees within this Realm of England, Wales, or other the King's Dominion, upon pain of forfeiting the same Offices or Fees, unless he and they use and exercise the English Speech or Language. s. 20.

It shall be lawful to the Sheriff of every of the foresaid Shires of Monmouth, Brecknock, Radnor, Montgomery, and Denbigh, and every of them, to put every misruled and suspect person within their Sheriffrick under common Mainprize and Surety of their personal Appearance, as the Sheriffs do within every of the three Shires of North Wales; and that the Recognizances of such common Mainprize and Surety of Appearance taken before any of the said Sheriffs, shall be as good and effectual as if it were taken by any Justice of Record. s. 21.

And that the Sheriff of the County of Monmouth shall certify such Recognizances, common Mainprize, or Surety of Appearance at every Quarter Sessions, before the Justices of the Peace of the said County of Monmouth; and that every person or persons within the said County of Monmouth, put under common Mainprize, and bound to his personal Appearance, shall keep their personal Appearance at the Sessions holden within the said Shire of Monmouth, next after the Clause of Easter, and at the Sessions to be holden within the said Shire next after the Feast of Saint Michael the Archangel, until such Time that they be thereof released, after the form of the Law. s. 22.

And that every of the Sheriffs of the said Counties of Brecknock, Radnor, Montgomery, and Denbigh, and every of them, shall certify such Recognizances, common Mainprize, or Surety of Appearance by them taken, before such Justice as shall be appointed by our sovereign Lord the King within every of the said Shires, at every Sessions to be holden in any of the said Shires, before the same Justice. s. 23.

And that every person and persons within the said Counties of Brecknock, Radnor, Montgomery, and Denbigh, and also within the above named Counties of Glamorgan, Kayermarthen, Pembroke, and Cardigan, or any of them, put under common Mainprize and bound to his or their personal Appearance, as well by the aforesaid Sheriffs, as by the Justices of any of the



said Counties, shall keep their Appearance before the said Justices at every Sessions within the said Counties to be holden, in such like manner and form as is used in the three Shires of North Wales. 27 H. 8. c. 26. s. 24.

And for that the Lords Marchers before this present Parliament have used to put their Tenants within their Lordships Marchers, under such common Mainprize and Surety of Appearance, and have had the Forfeitures thereof, which for ever from and after the said Feast of All Saints shall utterly cease and determine; therefore be it enacted by the Authority aforesaid, that after the said Feast of All Saints, every lay and temporal person, now being a Lord Marcher, shall have the Moiety or Half of every Forfeiture of all and every common Mainprize, Recognizance for the Peace or Appearance, forfeited by any of their Tenants inhabiting within any of their Lordships Marchers, and they to be paid the same Moiety or Half by the hands of the Sheriffs of every of the said Counties where such Forfeitures shall be, if the Sheriff can levy the same; and the same Sheriff to account to our sovereign Lord the King for the other Half or Moiety, in such Exchequer as they be accomptant. s. 25.

Lord marcher shall have half the forfeiture of his tenants. St. 1 & 2 P. & M. 15.

Cok. pl. f. 534.

All and every lay and temporal person and persons, now being Lords Marchers, and having any Lordships Marchers or Lordships Royal, shall from and after the said Feast of All Saints, have all such Meases and Profits of their Tenants as they have had or used to have at the first entry into their lands in times past; and also have, hold, and keep within the precinct of their Lordships, Courts Baron, Court Leets, and Law Days, and all and every thing to the same Courts belonging; and also shall have within the precinct of the said Lordships or Law Day, Waive, Straife, Infanthe, Outfanthe, Treasure-trove, Deodands, Goods and Chattels of Felons, and of persons condemned or outlawed of Felony or Murther, put in Exigent for Felony or Murther, and also Wreck de Mer, Wharfage and Customs of Strangers, as they have had in times past, and as though such Privileges were granted unto them by our Sovereign Lord the King by point of Charter; any thing in this present Act to the contrary notwithstanding. s. 30.

Lords marchers shall keep their liberties.

Provided alway, that this present Act, nor any thing therein contained, shall take away or derogate any Laws, Usages, or laudable Customs now used within the three Shires of North Wales; nor shall not deprive nor take away the whole Liberties of the Dutchy of Lancaster, but that the said Liberties shall continue and be used in every Lordship parcel of the said Dutchy, within the Dominion and Country of Wales, as the Liberties of

The customs of North Wales and the county palatine of Lancaster saved.

1.  
Lords Spiritual and Temporal,  
Parliament assembled, and by  
manner and form as hereafter

Union, Principality and Com-  
divided into Twelve Shires, of  
of long and ancient Time,  
gan, Caermarthen, Pembroke,  
Anglesey and Merioneth: and  
newly made and ordained to  
the Parliament holden at West-  
Year of Our said Sovereign  
is to say, the Shires of Rad-  
bury and Denbigh, over and  
and divers other Dominions,  
Marches of Wales, united and  
Hereford and Gloucester, as by  
appeareth. a. 2.

Hundreds of late made within  
Grace's Commissions directed  
January, and again returned into the  
force and effect, according to  
of the same as with that time  
by virtue of any Act or Acts of  
that shall be altered or changed,  
a Session to be made. a. 3.

remain a President and Council  
ality of Wales, and the Marches  
and incidents to the same, in  
heretofore used and accustomed:  
shall have Power and Authority to  
Visdoms and Discretions such  
hereafter shall be assigned to  
heretofore hath been accustomed

and kept Sessions Twice in  
Shires in the said Dominion and  
ay, in the Shires of Glamorgan,  
Pembroke, Cardigan, Mount-  
Merioneth and Anglesey:  
the King's Great Sessions in

and so many Courts of Record, and such and so many Justices, Ministers, Officers, and Clerks, as by his Highness within the time of Five Years next after the end of this present Parliament shall be thought sufficient and convenient, as well for the due Execution of this Act, or of any thing or things that shall had, done, or made by authority of the same, as for the good Governance and Rule of the said Country of Wales. s. 37.

Provided always, that this Act or any thing or things to be done by authority thereof, shall not be prejudicial to any person or persons which now have by the King's Letters Patents any Office or Offices of Protonotary or Clerk of the Crown in the said Country or Dominion of Wales; but that they and every of them shall and may still have and use their Offices in as large and ample manner, form, fashion, and condition, as if this Act nor any thing to be done by authority thereof had never been had or made; any thing in this Act to the contrary thereof notwithstanding. s. 38.

The office of protonotary and clerk of the crown.

Provided also, that this Act or any thing therein contained extend not, or in anywise be prejudicial or hurtful to Sir Walter Devereux, Knight of the noble Order of the Garter, and Lord Ferrers of Chartley, of, for, and concerning the Offices of Chief Justice of South Wales, the Office of Chamberlain of South Wales, and of the Counties of Carmarden and Cardigan in South Wales aforesaid; and of and for the Office of the Stewardship of the Lordship of Bealth, in the Marches of South Wales; and of and for the Office of Receivorship of the said Lordship of Bealth, or of, for, or concerning any of the said Offices; but that the said Lord Ferrers may have, use, exercise, and enjoy the said Offices, any and every of them, with all Fees, Wages, Emoluments, Commodities, and Profits to the same Offices or to any of them in anywise belonging or appertaining, in as large and ample manner, form, and condition, as if this Act had never been had or made. s. 39.

Lord Ferrers offices in Wales reserved.

Our Sovereign Lord the King's Majesty, of his tender zeal and affection that he beareth towards his loving and obedient Subjects of his Dominion, Principality and Country of Wales, for good rule and order to be from henceforth kept and maintained within the same, whereby his said Subjects may grow and arise to more wealth and prosperity, hath devised and made divers sundry good and necessary Ordinances, which his Majesty of his most abundant goodness, at the humble Suit and Petition of his said Subjects of Wales, is pleased and contented

Co. Inst. pt. 4. .  
P. 242.  
Laws specially shall be made in Wales by the officers there.  
12 Ed. 1. of Rutheland.

to be enacted by the assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, in manner and form as hereafter ensueth. 34, 35 H. 8. c. 26. s. 1.

Wales divided  
into twelve  
shires.

[27 H.8. c. 26.]

First, that his Grace's said Dominion, Principality and Country of Wales, be from henceforth divided into Twelve Shires, of the which, Eight hath been Shires of long and ancient Time, that is to say, the Shires of Glamorgan, Caermarthen, Pembroke, Cardigan, Flint, Caernarvan, Anglesey and Merioneth: and Four of the said Twelve Shires be newly made and ordained to be Shires, by an Act made at the Parliament holden at Westminster, in the Twenty-seventh Year of Our said Sovereign Lord's most noble Reign; that is to say, the Shires of Radnor, Brecknock, Mountgomery and Denbigh, over and besides the Shire of Monmouth, and divers other Dominions, Lordships and Manors in the Marches of Wales, united and annexed to the Shires of Salop, Hereford and Gloucester, as by the said late Act more plainly appeareth. s. 2.

Limitation of  
hundreds by  
commission.

Item, that the Limitations of the Hundreds of late made within the said Shires, by virtue of his Grace's Commissions directed out of his High Court of Chancery, and again returned into the same, shall stand in full strength, force and effect, according to the said limitation: except such of the same as sith that time have been altered or changed, by virtue of any Act or Acts of Parliament already made, or that shall be altered or changed, by any Act or Acts in this present Session to be made. s. 3.

President and  
council.  
1 Roll. 339.  
Marsh, 63.  
12 Co. 48.

Item, that there shall be and remain a President and Council in the said Dominion and Principality of Wales, and the Marches of the same, with all Officers, Clerks, and incidents to the same, in manner and form as hath been heretofore used and accustomed: which President and Council shall have Power and Authority to hear and determine by their Wisdoms and Discretions such Causes and Matters as be, or hereafter shall be assigned to them by the King's Majesty, as heretofore hath been accustomed and used. s. 4.

Sessions twice  
in a year.

Item, that there shall be holden and kept Sessions Twice in every Year, in every of the said Shires in the said Dominion and Principality of Wales: that is to say, in the Shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Merioneth and Anglesey: The which Sessions shall be called the King's Great Sessions in Wales. s. 5.

Item, that the Justice of Chester for the time being shall hold and keep Sessions Twice in every Year in the Shires of Denbigh, Flint and Mountgomery, and have nothing but his old Fee of an Hundred Pounds yearly for the same. s. 6.

Justice of  
Chester.

Item, that the Justice of North Wales shall in likewise hold and keep Sessions Twice every Year in every of the Shires of Caernarvan, Merioneth and Anglesey, and shall have yearly of the King's Majesty a yearly Fee of Fifty Pounds for the same. s. 7.

Justice of  
North Wales

Item, that one person learned in the Laws of this Realm of England, by the King's Majesty to be named and appointed, shall be Justice of the Shires of Radnor, Brecknock and Glamorgan, and shall in likewise hold and keep Sessions Twice in every Year in every of the same Shires, and shall have yearly of the King's Majesty Fifty Pounds for his Fee. s. 8.

Justice of  
Radnor, &c.

Item, that one other person learned in the Laws of this Realm, to be appointed as is aforesaid shall be Justice of the Shires of Caermarthen, Pembroke and Cardigan, and shall in likewise hold and keep Sessions Twice in every Year in every of the same Shires, and shall also have yearly of the King's Majesty Fifty Pounds for his Fee. s. 9.

Justice of Caer-  
marthen.

Item, that the said persons or Justices, and every of them now being, or that hereafter shall be, shall have several Letters Patents and Commissions for their Offices, under the King's Great Seal of England, to be exercised by themselves, or their sufficient Deputies, according to the Purposes and Intents in these Ordinances specified. s. 10.

Patents under  
the great seal.

Provided always, that their Commissions to them already granted under the said Great Seal, shall stand in force and effect, according to the tenor of the same; unless it shall please the King's Majesty hereafter to alter or change them, or any of them; this present Article last before expressed in anywise notwithstanding. s. 11.

Commissions  
then granted.

Item, that every of the said Justices, within the limits of their Commissions and Authorities to them appointed, as is aforesaid, shall hold all manner of Pleas of the Crown at and in the said Sessions, in as large and ample manner as the King's Chief Justice of England, and other the King's Justices of the King's Bench there, or any of them, may do in their Places, or elsewhere within the Realm of England; and also to hold Pleas of Assizes, and all other Pleas and Actions real, personal and mixt, in as large and ample manner as the King's Chief Justice of the Com-

Of what things  
the justices in  
Wales may hold  
plea.  
18 H. 8.

mon Place in England, and other Justices of the same Place, or any of them, may do in the Realm of England. s. 12.

Item, that every of the said Justices of Wales shall have Power and Authority to enquire of all Treasons, Murders, Felonies, Riots, Routs, unlawful Assemblies, Extortions; Imbraceries, Maintenances, Retainers, Concealments, Contempts, and all other Offences and evil Deeds, of what Natures, Names, or Qualities soever they be, done, committed, or perpetrated within the Limits of their Commissions and Authorities, against the Form of the Common Law of the Realm of England, or of any the Statutes of the same, and to hear and determine the Premises, and every of them, and generally to minister common Justice to all and singular the King's Subjects, within the Limits of their Commissions and Authorities, according to the Laws, Statutes, and Customs of the Realm of England, and according to this present Ordinance. s. 13.

Sessions shall  
endure six days.

Item, that every of the said Sessions shall be kept and continued by the Space of Six Days in every of the said Shires, at either of the said Times, as is and hath been used within the said Three Shires of North Wales; and that the said Justices shall cause open Proclamations to be made in the Shire Towns, what Time and Place they purpose to keep their said Sessions, Fifteen Days at the least before they keep the same, to the intent the King's Subjects may have knowledge thereof. s. 14.

Days in court.

Item, that Days shall be given in all Pleas, Complaints, Process, and Adjournments, from Day to Day, and Sessions to Sessions, by the Discretion of the said Justices within the Limits of their Authorities, for the good and speedy Ministration of Justice to all and singular the King's Subjects, as is or hath been used in North Wales. s. 15.

Original seals,  
in whose custody  
they shall be.

Item, that one original Seal, devised by the King's Highness, for Justice to be ministred in the said Three Shires of North Wales, that is to say, the Shire of Merioneth, Caernarvan, and Anglesey, shall be and remain in the Charge, Keeping, and Custody of the Chamberlain of North Wales. s. 16.

And that one other original Seal, devised by the King's Majesty, for Ministration of Justice to be used in the said Shires of Caermarthen, Pembroke, and Cardigan, shall be and remain in the Charge and Keeping of the Chamberlain of South Wales. s. 17.

And that likewise one other original Seal, devised by the King's Majesty, for Administration of Justice to be used in the



said Three Shires of Brecknock, Radnor, and Glamorgan, shall be and remain in the Charge and Custody of the Steward and Chamberlain of Brecknock. s. 18.

And that also one other original Seal, devised by the King's Majesty, for Ministration of Justice to be ministred within the said Shires of Denbigh and Mountgomery, shall be and remain in the Charge, Keeping, and Custody of the Steward and Chamberlain of Denbigh. s. 19.

And that the original Seal of Chester, shall be and stand for the original Seal of Flint, for Justice to be ministred in the said Shire of Flint, and shall be and remain in the Charge, Keeping, and Custody of the Chamberlain of Chester. s. 20.

Item, that the said Stewards and Chamberlains shall seal with the said Seals; that is to say, every one of them shall seal with the Seal to his Charge committed, all manner of original Writs and Process, returnable before the said Justices at the Sessions to be holden in every of the said Shires, in Manner and Form as is aforesaid, and shall severally accompt and answer the King's Majesty for the Profits of the same Seal; and that none of the said Stewards, Chamberlains, or Chancellors, having the Charge and Keeping of the said Seals, shall by occasion thereof, or by colour of any of their Offices, compel or cause any Person or Persons inhabiting within any of the said Twelve Shires, to appear before themselves or their Deputies, ne shall have Power and Authority to hear or determine any Pleas of the Crown, nor other Causes or Matters of Justice, otherwise then in this Ordinance is limited and expressed; but shall have the Charge and Keeping of the said Seals, to seal all such original Writs and Process as shall be returnable before the said Justices in their said Sessions, as is before specified, and as hereafter shall be declared, which Writs and Process shall be used, made, sealed, and returned in Manner and Form as hath been used before the Justice of North Wales. s. 21.

What shall be sealed with the original seals.

The authority of the keepers of the seals, and to what only purposes they shall use them.

Item, that all such persons as now be, or hereafter shall be the King's Highness Stewards, Chamberlains, or Chancellors, within any of the said Twelve Shires, which by reason of their said Offices have Charges for the Receipt, Collection, or Account of and for the King's Rents, Revenues, Ferms, or Profits, to be due to his Majesty within the said Dominion of Wales, may direct Process under the said Seal, being in their Charge and Custody, within the Limits of their Authorities, only against Bailiffs, Reeves, Fermors, and other Ministers Ac-

The keepers of the seals may award process against accomptants returnable before themselves.

comptant, to appear before themselves to answer to and for any the King's Revenues, Ferms, Rents, or Profits, and for none other Causes, nor against any other person or persons, in like manner and form as they have been accustomed in that Cause to do. 34, 35 H. 8. c. 26. s. 22.

Stewards of manors may hold courts and leets.

Item, that all Stewards of any Lordships or Manors in Wales shall and may keep and hold such Leets, Law Days, or Court Barons, as appertaineth and belongeth to the Lordships and Manors whereof they be Stewards, and hold Pleas by Plaint under the Sum of Forty Shillings in every such Court Baron, and have and enjoy all other Authorities, Commodities, and Profits, as Stewards of Leets, Law Days, and Court Barons in England commonly have and been used to have by reason of the said Offices, and none other; any Law, Usage, or Custom in the said Dominion of Wales, heretofore had to the contrary thereof notwithstanding. s. 23.

Stewards or sheriffs shall not enquire of felony.

Item, provided always, and be it enacted, that the said Stewards, nor any of them, nor the Sheriff of the said Counties in Wales, shall have any Power or Authority to enquire of any manner of Felony, in any such Leet, Law Day, or Tourn, within the said Dominion to be holden. s. 24.

Where court leets, &c. shall be held.

And that from henceforth no Leet or Law Day be kept by the Steward or other Officer of any Lordship or Manor in the said Dominion of Wales, but in such Lordships and Places where it was accustomed to be kept before the making of the Act of Parliament concerning Wales, made in the Twenty-sixth Year of our said Sovereign Lord's Reign; so always the Place where such Court shall be kept be meet and convenient for that Purpose. s. 25. See s. 6. of 26 H. 8. c. 6. ante.

Officers of corporate towns may hold pleas and determine actions.

Item, that all Mayors, Bailiffs, and head Officers of Corporate Towns in Wales, may hold Pleas, and determine Actions, and do every other thing concerning common Justice, according to their lawful Grants and laudable Customs of such Towns; so always they follow the Course, Trade, and Fashion of the Laws and Customs of the Realm of England, and not of any Welsh Laws or Customs; and that in every of the said Towns they may try all Issues joined, or hereafter to be joined in any Action personal, by Six Men, according as heretofore in divers Places of the said Country it hath been used; any thing contained in this Act to the contrary notwithstanding. s. 26.

There shall be four judicial seals, in whose

Item, over and besides the said original Seals, there shall be Four judicial Seals, devised by the King's Majesty, whereof

one shall remain with the Justice of Chester, which is appointed by this Act to be Justice of the Shires of Flint, Denbigh, and Mountgomery, to be used within the said Shires, to seal all judicial Process and Bills that shall be sued before the said Justice, in the Sessions to be holden within the same Shires: And that one other of the said judicial Seals shall likewise remain, and be in the Charge and Custody of the said Justice of North Wales: And that the third of the said Seals shall be and remain in the Custody and Charge of the Justice of the Three Shires of Glamorgan, Brecknock, and Radnor: And the fourth of the said Seals shall remain in the Charge and Custody of the Justice of the said Three Shires of Pembroke, Caermarthen, and Cardigan; and the said Justices shall seal with the said judicial Seals, that is to say, every of them with the Seal committed to his Charge and Custody, as well all Bills, as all other Judicial Process that shall be sued before them in the said Sessions, upon any original Bills or Writs, and all other Process that shall be awarded from any of the said Justices, shall be sealed with the said judicial Seal. s. 29.

custody they shall be, and what shall be sealed with them.

Item, that every the said Justices shall account and answer to the King's Majesty for the Profits of the said Seal being in his charge and custody, in manner and form as hereafter shall be declared. s. 30.

Account for the profit of the seal.

Item, that the Teste of every Bill and judicial Process that shall pass under the said judicial Seal, shall be under the name of such of the said Justices from whom such Bill or judicial Process shall pass, in like manner and form as is used in the Common Place in England. s. 31.

Teste of every process.

Item, that all Actions, real and mixed, Attaints, Conspiracies, Assizes, and Quare impedit, Appeals of Murder and Felony, and all Actions grounded upon any Statutes, shall be sued by original Writs, to be obtained and sealed with the said original Seal, returnable before the said Justices at their Sessions, within the Limits of their Authorities, in manner and form as is aforementioned. s. 32.

What process shall be sealed with the original seal.

Item, that all manner of personal Actions, as Debt, Detinue, Trespass, Account, and such like, amounting to the Sum of Forty Shillings, or above, shall be sued by Writs Original, to be obtained and sealed as is aforesaid, or by Bills, at the pleasure of the Party suing the same, before the said Justices within the Limits of their Authorities, as is used in North Wales. s. 33.

Personal actions of 40s. or above.

Personal actions  
under 40s.

And that all personal Actions under the Sum of Forty Shillings, that is to say, Debt, Trespass, Detinue, Account, and such like, shall and may be sued before any of the said Justices in the said Sessions, by Bill, as it is used in North Wales. 34, 35 H. 8. c. 26. s. 34.

Original bill concerning actions personal.

And that every original Bill concerning Actions Personal, shall be sealed with the King's judicial Seal, being in the custody of the said Justice before whom such personal Actions by Bill shall be brought and commenced. s. 35.

Fees for writing and sealing of writs and bills.

And that such Fees shall be paid for the writing and sealing of such original Writs and Bills as hereafter shall be expressed; that is to say, for the sealing of every original Writ to be sued in and upon the Causes aforesaid, and for every Bill to be pursued in Actions Personal, whereof the Debt and Damage amounteth to the Sum of Forty Shillings, or above, the Parties pursuing the same shall pay for the Seal of every such Writ or Bill, Sixpence; and for every judicial Process to be sued upon anysuch original Writ or Bill, the Parties pursuing such judicial Process shall pay for the sealing thereof Seven Pence, whereof the King's Majesty shall have Sixpence, and the Justice sealing such judicial Process, shall have One Penny. s. 36.

Debt or damage not amounting to 40s.

Item, that every Bill in personal Action, whereof the Debt, Duty, or Damage amounteth not to Forty Shillings, and all manner judicial Process to be sued upon the same, shall also be sealed with the King's said judicial Seal; and the Parties pursuing the same, shall pay for the Seal of every such Bill and judicial Process thereupon to be sued, Three Pence, whereof the King's Majesty shall have Two Pence, and the Justice sealing such Process to have a Penny. s. 37.

Process sealed with the judicial seal, and the fees.

Item, that all Writs of Scire facias, and Writs of good Abearing, or for the Peace, or Writs of Supersedeas upon the same, and all other Process to be sued from the said Justices, upon any Record or Suggestion admitted by any of the said Justices within the Limits of their Authorities, shall also be sealed with the said judicial Seal; and that the Parties pursuing for the same shall pay for the Seal of every such Writ and Process, Seven Pence, whereof the King's Highness shall have Sixpence, and the Justice by whom such Process shall be sealed, a Penny. s. 38.

Recoveries, fines, concords, &c. taken before the justices.

And that every Exemplification, upon any Record, before any of the said Justices, shall be sealed with the King's judicial Seal; and the Parties pursuing the same shall pay for the

Seal thereof, Twenty Pence, whereof the King's Highness shall have Sixteen Pence, and the Justice sealing the same, Four Pence. s. 39.

Item, that Recoveries and Fines, Concords and Warrants of Attorney for the same, shall and may be taken before every of the said Justices, of Lands, Tenements, and Hereditaments within his Authority, by force of his general Commission, without any Writ of Dedimus potestatem to be sued for the same, in like manner and form as is used to be taken before the King's Justice of his Common Place in England. s. 40.

Item, that all Fines hereafter to be levied before any of the said Justices, with Proclamation made the same Sessions that the said Fine shall be engrossed, and in two other great Sessions then next to be holden within the same Country, shall be of the same force and strength to all Purposes, as Fines levied with Proclamations be of, that be levied before the Justices of the Common Place in England. s. 41.

Of what force fines levied before the justices shall be.

Item, there shall be four Prenotaries for the making of all judicial Process, and for the entering of all Pleas, Process, and Matters of Record, in the Sessions to be holden before the said Justices, whereof one of the said Prenotaries shall attend upon the said Justice appointed for the three Shires of North Wales, and one other shall attend upon the Justice assigned for the three Shires of Flint, Denbigh, and Montgomery; and the third shall attend upon the Justice assigned for the three Shires of Caermarthen, Cardigan, and Pembroke; and the fourth of the said Prenotaries shall attend upon the Justice assigned for the three Shires of Glamorgan, Brecknock, and Radnor; and these four Prenotaries, as often as their said Offices shall be void, shall be named and appointed by the King's Highness, by his Majesty's Letters Patents under his Great Seal of England. s. 44.

There shall be four prenotaries, and upon whom they shall attend.

Item, there shall be a Marshal and a Crier in every of the Circuits and Limits allotted to the said Justices, which shall be named by the said Justices, within the Limits of their Authority and Commission, in like manner and form as Justices of Assise do in England; and the said Officers shall attend upon the said Justices in their Circuits, in their own proper persons, and not by their deputies. s. 45.

A marshal and a crier.

Item, that the King's Majesty shall have all Fines, Issues, Amerciaments, and all forfeitures of Recognizances lost or forfeit before any of the said Justices, in the Session aforesaid; and that the said Prenotaries within the limits of their Offices, shall

The king shall have fines, issues, amerciaments.

yearly extreat the same into the Exchequer appointed for that limit, to the intent that Process from thence may be awarded to the Sheriffs, to levy the same to the King's use as appertaineth, which Sheriffs shall yearly make their Accounts before the King's Auditors thereunto to be assigned and appointed. s. 52.

President and council be justices of peace.

Item, over and besides the said President and Council, and Justices, there shall be Justices of Peace and Quorum, and also One Custos Rotulorum in every of the said Twelve Shires. s. 53.

Custos rotulorum, and by whom appointed.

Item, that the said Justices of Peace, Justices of Quorum, and Custos Rotulorum in the said Shires, shall be named and appointed by the Chancellor of England, by Commission under the King's Great Seal of England, by advice of the President, Council, and Justices aforesaid, or Three of them, of the which the said President to be one, from time to time, as the case shall require. s. 54.

The justices of peace oath.

Item, that such persons as shall be named to be Justices of Peace within every of the said Shires, shall be of good name and fame; and after they be assigned by Commission, may use and exercise the Office of the Justice of Peace, albeit they may not dispend Twenty Pounds, or be learned in the Laws of the Lands, without any Loss, Damage, or Penalties for insufficiency of their Lands; and that every of the said Justices of Peace, before they shall execute their Commission, shall take their Oaths before the Chancellor of England, or else before the said President, or one of the said Justices in Wales, by virtue of the King's Writ of Dedimus potestatem, or before any other person to be limited by the Lord Chancellor of England for that purpose, the contents of which Oath shall be after the form as Justices of Peace in England use to make. s. 56.

The justices session, authority and fees.

Item, that the said Justices of Peace, or Two of them at the least, whereof one to be of the Quorum, shall and may keep their Sessions within the limits of their Commissions, four times in the year, and at other times upon urgent causes, as Justices of Peace in England use to do, and shall have like power and authority in all things, and Fees of the King's Majesty, for the time of their sitting, as well for themselves as for their Clerks; and shall be bound to use and do their Office in like manner as is used in England. s. 57.

Certificate of Recognizances.

All the said Justices of Peace shall certify all Recognizances taken before any of them for the peace or good abearing, into their Sessions next to be holden after the taking thereof; and Recognizance taken before any of them for suspicions of any manner of Felony, shall be certified before the Justices in the



Great Sessions next to be holden after the taking thereof, without concealment, detaining, or imbesiling of the same, upon such Penalties and Dangers as be therefore ordained and established. 34, 35 H. 8. c. 26. s. 58.

Item, that all Fines and Amerciaments before the said Justices of Peace lost, and hereafter to be lost, shall be taxed and afferred by Two Justices of the Peace at the least, whereof one to be of the Quorum; and that all such Fines and Amerciaments shall be set truly and duly according to the quantity of the Offences, without partiality or affection. s. 59.

Taxing of fines and amerciaments.

Item, that the said Fines and Amerciaments, and also all Issues lost before the said Justices of Peace, and all Forfeitures of Recognizances, and other Forfeitures before the same Justices, shall be yearly extreated by the Clerks of the Peace into the Exchequer appointed for that limit, to the intent that Process from thence may be awarded for the levying of the same Forfeitures and Sums of Money to the King's use, to the Sheriff of every County as shall appertain, who shall make thereof their Accompt before such Auditors as thereunto shall be assigned, so that the King's Majesty may thereof be truly and duly answered and satisfied; which Auditors shall make due allowance to the same Sheriffs for the Fees of the Justices and Clerks of the Peace upon their said Accompts, as is used in the Realm of England. s. 60.

Fines, forfeitures, and amerciaments shall be extreated.

Auditors shall allow unto sheriffs the fees of justices and clerks of the peace.

Item, that there shall be Sheriffs in every of the said Shires yearly appointed by the King's Majesty; and that none of the said Sheriffs shall have their Office of Sheriffwick any longer time than is used by the Laws and Statutes of England; and for the yearly nomination of the said Sheriffs, the said Lord President, Council, and Justices of Wales, or Three of them at the least, whereof the said President to be one, shall yearly nominate three substantial persons in every of the said xii. Shires to be Sheriffs of the same, and shall certify their names to the Lords of the King's most honourable Council, attending upon his Grace's person, crastino animarum, to the intent the King's Majesty, being thereof advertised, may appoint one of them in every of the said Shires to be Sheriff for that year at his most gracious will and pleasure, like as his Highness doth for his Realm of England; and thereupon the said Sheriffs shall have their Patents and Commissions under the Great Seal of England, as Sheriffs of England have, and shall make and take oaths and knowledges of Recognizances before the President and Justices, or one of them, by virtue of the King's Writ of

Sheriffs in every shire of Wales, and how they shall be nominated.

yearly extreat the same into the Exchequer appointed for that limit, to the intent that Process from thence may be awarded to the Sheriffs, to levy the same to the King's use as appertaineth, which Sheriffs shall yearly make their Accounts before the King's Auditors thereunto to be assigned and appointed. s. 52.

President and  
council be jus-  
tices of peace.

Item, over and besides the said President and Council, and Justices, there shall be Justices of Peace and Quorum, and also One Custos Rotulorum in every of the said Twelve Shires. s. 53.

Custos rotu-  
lorum, and by  
whom appointed.

Item, that the said Justices of Peace, Justices of Quorum, and Custos Rotulorum in the said Shires, shall be named and appointed by the Chancellor of England, by Commission under the King's Great Seal of England, by advice of the President, Council, and Justices aforesaid, or Three of them, of the which the said President to be one, from time to time, as the case shall require. s. 54.

The justices of  
peace oath.

Item, that such persons as shall be named to be Justices of Peace within every of the said Shires, shall be of good name and fame; and after they be assigned by Commission, may use and exercise the Office of the Justice of Peace, albeit they may not dispend Twenty Pounds, or be learned in the Laws of the Lands, without any Loss, Damage, or Penalties for insufficiency of their Lands; and that every of the said Justices of Peace, before they shall execute their Commission, shall take their Oaths before the Chancellor of England, or else before the said President, or one of the said Justices in Wales, by virtue of the King's Writ of Dedimus potestatem, or before any other person to be limited by the Lord Chancellor of England for that purpose, the contents of which Oath shall be after the form as Justices of Peace in England use to make. s. 56.

The justices ses-  
sion, authority  
and fees.

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Item, that all Fines and Amerciaments before the said Justices of Peace lost, and hereafter to be lost, shall be taxed and afferred by Two Justices of the Peace at the least, whereof one to be of the Quorum; and that all such Fines and Amerciaments shall be set truly and duly according to the quantity of the Offences, without partiality or affection. s. 59.

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Sheriffs in every shire of Wales, and how they shall be nominated.

Dedimus potestatem to be directed for the same, for the due Execution of their Offices, and for their just and true Accompts before the King's Auditor or Auditors assigned for Wales. s. 61.

The sheriffs  
authority and  
duty in Wales.

Item, that every of the said Sheriffs shall have full power and authority within the limits of their Sherifffwick, to do and use their Offices as Sheriffs in England, and shall accomplish and execute, without any favour, dread, or corruption, all manner of Writs, Process, Judgments, and Executions, and all manner common Justice appertaining to the Offices of Sheriffs, and all lawful Commandments and Precepts of the said President, Council, and Justices of Wales, and also of the Justices of the Peace, Escheators, and Coroners, and every of them, in all things appertaining to their Offices and Authorities. s. 62.

The sheriffs duty  
in administration  
of justice.

Item, that the said Sheriffs shall do, and be bound to do all and every other thing and things for the ministration of Justice, and for the conservation of the King's Peace, and the apprehension and redress of Traitors, Murderers, Thieves, Felons, and other Offenders, as Sheriffs of England do use, and be bound to do within the Realm of England. s. 63.

The sheriffs ac-  
count and fee.

Item, that the said Sheriffs shall yearly account before such the King's Auditor or Auditors as shall be assigned and appointed by the King's Majesty for his said Dominion of Wales; and that every of the said Sheriffs shall have yearly for his Fee, v.l. s. 64.

All officers and  
other persons  
shall be attendant  
on the president,  
&c.

Item, that all Mayors, Sheriffs, Stewards, Bailiffs, and other Ministers and Officers of Justice of every County, Lordship, Town, and place within the said Dominion of Wales, and all and singular the King's Subjects of the same, shall be always obedient, attendant and assisting to the said President, Council, and Justices of Wales, and every of them, and shall obey the King's Commandments and Process, from them or any of them directed, and all the lawful and reasonable Precepts of the said President, Council, and Justices, and every of them, and also shall be obedient to all the said Justices of Peace, Sheriffs, and Escheators within the limits of their said Authorities, as well for common administration and due execution of Justice, as in all other things appertaining to their duties and offices. s. 65.

Two coroners in  
every shire in  
Wales.

Item, there shall be two Coroners to be elected in every of the said xii. Shires, as is used in England, by virtue of the King's Writ De Coronatore eligendo, to be awarded out of the King's Chancery of England; and that the said Coroners shall have like power and authority to do and exercise their Offices, and have like Fees, as is limited by the Laws and Statutes of England. s. 68.

Provided always, that the Writ De Coronatore eligendo, to choose the Coroners within the said County of Flint, shall be directed out of the Exchequer of Chester. s. 69.

Item, that the said Justices of the Peace, or Two of them at the least, whereof One of them to be of the Quorum, shall appoint and name in every Hundred within the limits of their Commission, two substantial Gentlemen or Yeomen to be chief Constables of the Hundred wherein they inhabit; which Two Constables of every Hundred shall have a special regard to the conservation of the King's Peace, and shall and may do and use their Offices in all and singular things as is used by the High Constables of the Hundreds in England, and shall be bound to all things as the High Constables of the Hundreds in England be bound to do. s. 70.

Two constables  
of the hundred.

Item, that every of the said Sheriffs shall have a Gaol for Prisoners within some convenient place of the Castles of the Shire Town where he is Sheriff, or in such other convenient place as by the said President, Council, and Justices, or Three of them, whereof the said President to be one, shall be appointed; any Patent or Grant heretofore made to any person or persons of the Constableness or keeping of any of the said Castles in anywise notwithstanding; and that the Sheriff shall make the Bailiffs of the Hundreds, and they to attend upon the Justices in every of their Courts and Sessions. s. 71.

A gaol.  
Bailiffs of  
hundreds.

Provided always, that the Constables of the King's Castles within every of the said Shire Towns of Wales, shall not be charged with the Gaols, and of all the Prisoners that shall be committed to their Ward, like as they have heretofore been, until such time convenient places for that purpose be assigned to the said Sheriff. s. 72.

Item, the said Sheriffs shall keep their Counties Monthly, and their Hundred Courts for Pleas under xl.s. as is used in England, and shall take for the entering of Pleas, Process, Pleas, and Judgments in the said Shire Courts and Hundreds, such small Fees as is used to be taken in Shires and Hundreds in England, and not above. s. 73.

County courts.  
Hundred courts.

Item, that all manner of Trials before them in their said Courts, or before any Stewards in Court-barons, shall be by Wager of Law, or Verdict of Six Men, at the pleasure of the party plaintiff or defendant that pleaded the Plea. s. 74.

Trial by wager  
of law, or six  
men.

And that every of the said Sheriffs shall keep and hold their turns yearly after Easter and Michaelmas, as they have been used in England. s. 75.

Sheriffs turns.

Fines forfeit in  
torns, &c.

Item, the King's Highness shall have all manner of Fines, Issues, Amerciaments and Forfeitures lost or forfeited in any of the said Counties, Hundreds, Courts and Torns, to his own use, and the Sheriff to account for the same accordingly. s. 76.

The extreats  
afferred by the  
justices of assise.

Item, that the Extreats of the said Torns, Counties and Hundreds shall be viewed, and the Fines, Issues and Amerciaments afferred by the said Justices of Assises of that Circuit, before the levying of the same Amerciaments or other Forfeitures: And that no Sheriff, or any of his Officers, presume to gather or levy any such Amerciament, or other Forfeiture, before the said Extreat be so afferred, upon Pain to forfeit to the King's Use, Forty Shillings: And that the Sheriff upon every Judgment had before him in his County, or Hundred Court, in any Plaint under xl. s. shall and may award a Capias ad Satisfaciendum, to arrest the Party condemned, or else a Fieri Fac', at the liberty of the Party pursuant. 34, 35 H. 8. c. 26. s. 77.

The sheriff may  
award execution.

Suspected per-  
sons may be put  
under common  
mainprise.

Item, that every Sheriff within the Limits of his Authority may and shall put such Persons under common Mainprise, as they have reasonable Cause of suspect, according to the said Act made for Wales, binding such as they shall so put to common Mainprise with two sufficient Sureties with them, by Recognizance, to appear before the said Justices, within the Limits of their Authorities, at the next great Sessions to be holden next after the taking of such Bonds, and shall certify the Names of them that be bound, before the said Justices, at the said Sessions accordingly, without Concealment thereof, at their Pleasure. s. 81.

[See 27 H. 8.  
c. 26.]

The sheriffs fees  
for common  
mainprise and  
serving of writs.

Item, that every Person that the Sheriff taketh to common Mainprise, to appear before the said Justices, as is aforesaid, shall pay for his Mainprise, ii. d. and not above. And the said Sheriffs to put no man to common Mainprise, but such as be suspect, and as shall be returned by them before the said Justices at their Sessions as is aforesaid: And also the said Sheriff shall have for the Return of a Writ of false Judgment, out of a base Court, before the said Justices, ii. s. And that the said Sheriffs shall take no manner of Fee for the Return of any of the said Writs of Execution afore expressed, unless he return the same executed. s. 82.

Fees shall be  
rated, aug-  
mented, and  
diminished by  
the president,  
council, and  
justices.

Item, that in all and every such Writs, original or judicial, or other Process, Pleas, or Writings, which be not expressed in this Ordinance, the Fees thereof, as well for the Seals as Writing, shall be rated by the said President, Council and Justices, or three of them, whereof the said President to be one, by their



Discretions from time to time, as the case shall require. and that they shall have full Power and Authority from time to time to assess and appoint what fee the said Sheriffs, Escheators and Coroners, and their Ministers, Prenotaries and their Clerks, and other Ministers of Justice in the said Shires, shall have, take, and receive of the King's Subjects for any manner Writs, Plaints, Pleas, Process, Returns, or any other matter or thing concerning or belonging to the Execution of their Offices and Rooms, and to augment or diminish any Fee or Fees above declared, as shall be thought by their Discretions to be convenient and meet for the Commonwealth of the King's Subjects of those Parts of Wales; any thing contained in this Act to the contrary thereof notwithstanding. s. 83.

Item, that from henceforth no manner of Person or Persons, for Murder or Felony, shall be put to his Fine, but suffer according to the Laws of the Realm of England, except it please the King's Majesty to pardon him or them; and if the said Justices see cause of Pity or other Consideration, they may reprove the Prisoner till they have advertised the King's Majesty of the matter. s. 84.

No felon put to his fine, but may be reprov'd.

Item, that the Act made in the Parliament holden in the xxvi. Year of the most Royal Reign of the King's Majesty, concerning (among other things) inquisitions and trials of counterfeiting, washing, clipping and minishing of the King's Coin, Murders, Felons, and Accessories to the same, perpetrated or done within Wales, to be had, made, and determined in the next Shire or County within England adjoining, where the King's Writ runneth, and every Article therein contained, shall stand in his full Strength and Force, according to the Tenour and Effect of the same; any thing in this said Ordinance, or any other Act, Cause or Matter heretofore had or made to the contrary thereof notwithstanding, s. 85.

A confirmation of the statute of 26 H. 8. c. 6. s. 6. 12. concerning enquiry of offences done in Wales, in the counties next adjoining.

And albeit the same Act as yet was never put in Execution for any of the said Offences heretofore done or committed within any of the said Three Shires of North Wales, that is to say, the Counties of Anglesey, Caernarvan, and Merioneth; be it now declared and enacted by the authority aforesaid, that the said Act and every Article therein contained, shall from henceforth take effect, and be executed in all Points, for and concerning any of the said Offences perpetrated and done, or that hereafter shall be perpetrated or done within the said County of Merioneth, to be enquired of, heard, and determined within the County of Salop, in like manner and form as commonly is and hath been

used for any of the same or like Offences committed or done within any other County or Place of South Wales; any Matter or Cause heretofore risen or grown to the contrary thereof notwithstanding. 34, 35 H. 8. c. 26. s. 86.

Abertannad annexed to Salop, and within the hundred of Oswestre.

Item, that the Town or Hamlet of Abertannad, and all the Grounds and Soil within the same, which afore this time hath been taken, reputed, and used as Parcel of the said County of Merioneth, shall from the Feast of Easter next coming, by virtue of this Act, be united, annexed, and made Parcel of the said County of Salop; and so from thenceforth to be reputed, taken, and used for ever, and not to be of any other Shire or County of Wales: And that the same Town or Hamlet, and all the Ground and Soil within the same Town or Hamlet, be from and after the said Feast accepted and taken as Part and Parcel of the Hundred of Oswestre; and that the Inhabitants thereof from the said Feast shall be attendant, and do every thing and things with the Inhabitants of the said Hundred of Oswestre, as the same Inhabitants do or be bound to do; any Laws or Customs to the contrary thereof notwithstanding. s. 87.

Foreign plea or voucher triable in any other shire in Wales, or England, and see post, s. 128.

Item, in case any foreign Plea or Voucher be hereafter pleaded or made before any of the said Justices of Wales, between Party and Party, triable in any other Shire within Wales then where the same Plea is pleaded or Voucher made; that then the said Justices afore whom the same Plea or Voucher is or shall be pleaded or made, shall and may send the King's Writ, with a Transcript of the Record mentioning the same foreign Matter of Plea or Voucher under the Seal to him committed, unto the Justice of the County where the same Matter is or shall be triable, commanding the said Justice, by virtue of the said Writ, to proceed to the Trial thereof according to the King's Laws and Statutes; which Trial so before him had, he shall remand with the whole Record unto the Justice before whom the said Plea or Voucher was pleaded or made, who thereupon shall proceed to Judgment, as the case shall require. s. 88.

Item, in case the same foreign Plea, Voucher, or other Matter so pleaded, be triable within the Realm of England; that then in every such case the Justice afore whom the same Plea or Voucher is or shall be pleaded, had, or made, shall and may proceed to the Trial thereof, as shall appertain, within the same Shire of Wales, where the same Plea, Voucher, or Matter was pleaded; the said foreign Plea, Voucher, or any other thing or matter to the contrary notwithstanding. s. 89.

Item, that no manner of person or persons from henceforth, without lawful Authority, shall make any Rumours, Tumults, unlawful Assemblies, or Outcries, at any of the said Courts or Sessions, nor any Outcries and unlawful Assemblies in great Numbers at any other time or times, except it be for the Apprehension or pursuing of Murtherers or Felons, upon Pain of Imprisonment, and a grievous Fine to be taxed and set upon them by the said President and Council, or by the Justices or other Officer before whom such Misbehaviour shall happen to be committed. 34, 35 H. 8. c. 26. s. 90.

No rumours, tumults, unlawful assemblies, or outcries, shall be in Wales.

Item, that all Manors, Lands, Tenements, Messuages, and other Hereditaments, and all Rights and Titles to the same, in any of the said Shires of Wales, descended to any manner person or persons sith the Feast of the Nativity of St. John Baptist, in the xxxij. Year of our said Sovereign Lord's Reign, or that hereafter shall descend, be taken, enjoyed, used, and holden as English Tenure, to all intents, according to the common Laws of this Realm of England, and not to be partable among Heirs Males, after the custom of Gavelkind, as heretofore in divers Parts of Wales hath been used and accustomed: And that the same Law from and after the said Feast of Saint John Baptist, in the said xxxij. Year, be used, taken, and exercised in the said County of Monmouth, and in all such Lordships and other Places, as by virtue of the said Act made in the said xxvij. Year, or by any other Act or Acts made or to be made, were and shall be annexed, united, or knit to any of the Shires of Salop, Hereford, Gloucester, or other Shires; any Laws, Usages, or Customs heretofore had or used to the contrary thereof notwithstanding. s. 91.

All lands in Wales shall be English tenure, and not partable.

Item, that no Mortgages of Lands, Tenements, or Hereditaments, made or had after the said Feast of St. John Baptist, which was in the said xxxij. Year of the Reign of our said Sovereign Lord, or that hereafter shall be had or made within any of the said Shires or Places, shall be hereafter allowed or admitted otherwise then after the course of the common Laws and Statutes of the Realm of England; any Usage or Custom heretofore had to the contrary thereof notwithstanding. s. 92.

Mortgages of lands in Wales.

Item, it shall be lawful to all persons to alien, sell, or otherwise put away their Lands, Tenements, and Hereditaments, within the said Country or Dominion of Wales, the County of Monmouth, and other Places annexed to any of the Shires in England, from them and their Heirs, to any person or persons in Fee

All persons may sell their lands, or demise them after the manner of England.

Simple or Fee Tail, for Term of Life or for Term of Years, after the manner and according as is used by the Laws of the Realm of England; any Welsh Law or Custom heretofore used in the said Country or Dominion of Wales to the contrary thereof notwithstanding. This Article to take effect from and after the said Feast of the Nativity of St. John Baptist, which was in the said xxxiiij. Year of our said Sovereign Lord's Reign. s. 93.

Persons having  
lands in Wales  
bound by statute  
in England.  
2 Roll. 29.

Item, if any person or persons having Lands or Tenements within the said Dominion of Wales, been or hereafter shall be bound within the Realm of England, by obligation upon the Statute of the Staple, or by Recognizance, and pay not the Debt, as shall appertain; that then upon Certificate thereof made unto the King's Chancery of England, by the Clerk of the Staple, or by any Justice of Record before whom such Recognizance shall be knowledged, Process shall be made to the Sheriffs of Wales out of the Chancery of England after the form as is used to be made upon Statutes and Recognizances, by the course of the Laws of England, for the due levying and paying of the said Debt. s. 94.

Recognizances  
taken in the  
King's Bench or  
Common Pleas.

Provided always, and be it enacted by the Authority aforesaid, that for such Recognizances as be, or hereafter shall be taken and knowledged before the King's Justices of his Highness Bench or Common Place in England, Process shall be had and pursued immediately out from the said Justices, as is used upon Recognizances taken before the said Justices by the common course of the Laws of England. s. 95.

Writs, bills,  
plaints, &c.

Item, that all such Writs, Bills, Plaints, Pleas, Process, Challenges, and Trials, shall be used throughout all the Shires aforesaid before the said Justices in their Sessions, as is used in North Wales, or as shall be devised by the said President, Council, and Justices, or three of them, whereof the said President to be one, for the good ministration of Justice to be had in every of the said Shires. s. 96.

33 H. 8. c. 13.

Item, where the Lordship of Hope, with divers other Lordships, Parishes, Towns, and Hamlets, were by an Act of Parliament made in the xxxiiij. Year of the Reign of our said Sovereign Lord appointed and translated from the said County of Denbigh to the County of Flint, and by the same Act were made part, parcel, and member of the same County of Flint, afore which Appointment or Translation, divers Endictments and Presentments, as well of Felony as other Offences, were had and taken for the King's Highness, before the Justice of the

said County of Denbigh, in the great Sessions there, and some before the Justices of the Peace within the same County, for Offences supposed to be done within divers of the said Lordships so translated, and also divers Judgments given at the suit of the Parties before the said Justices; and some before the Sheriff of the said County of Denbigh, for matters risen and grown within the precinct of the said Lordships or other places, before the Translation of the same: it is now ordained and enacted, that all the said Endictments and Presentments shall be heard, tried, and determined within the said County of Denbigh, by persons as well of the said Lordship or place where the said Offences were done or committed, as of other place or places within the said County of Denbigh, in manner and form as though the Translations had never been had ne made: and also that the said Judgments as before given or had between Party and Parties, before any Justice of Record, or other Officer within the said County of Denbigh, for any matter or cause appearing by Record of the same to be grown and risen within any of the said Lordships, Parishes, Towns, or Hamlets so translated, shall and may be executed by the Sheriff of the said County of Denbigh within any of the same Lordships, or other place so translated, the said Translation, or any other cause or matter to the contrary thereof notwithstanding. 34, 35 H. 8. c. 26. s. 97.

Indictments or presentments made for suits depending in lordships that were removed from one county to another.

Item, like Law and Order to be kept and ministred upon all other like Translations of any other Lordships, Manors, Towns, Parishes, and other places within Wales, had, made, or done in this present Parliament, or any other afore or after the same Translation, or any other cause or matter to the contrary thereof notwithstanding. s. 98.

Item, where there shall be divers and many Suits taken before the said Justices in Pleas Personal, which (as it is thought) cannot be tried before them in the time of the said great Sessions, for brevity of time; therefore, and for the speedy Trial of these matters, the Issues taken in the said Suits shall and may be tried at a petty Sessions, before the Deputy Justices there, as it is and hath been used in the said three Shires of North Wales; except such of the said Suits as by the discretion of the said Justices shall be thought necessary to be tried before themselves, within their limits; and that there shall be no Suit taken before any of the said Justices by Bill, under the Sum of Twenty Shillings. s. 99.

Suits tried at a petty sessions.

1 Roll. 51.

No suit by bill under 20s.

Item, if any Murder or Felony hereafter be committed or done within Wales, that then the Party or Parties, to whom

No agreement shall be made with a felon

without consent  
of the president,  
&c.

any such Offence shall hap to be committed, shall in no wise make any end or agreement with the Offenders in that behalf, nor with any other in his name or behalf, unless the said Party first make the said President and Council, or one of the said Justices, privy unto the same, upon pain of Imprisonment, and grievous Fine to be set and adjudged, at the discretion of the said President, Council, and Justices, or two of them, whereof the said President to be one; the same pain and penalty to extend as well to and against such as shall labour, move or procure any such end or agreement made, although the same labour, motion, or procurement never take effect to make any end or agreement, as against him or them with whom such end or agreement shall be made, if the same happen to take effect. 34, 35 H. 8. c. 26. s. 100.

Franchises of  
lordships in  
Wales, and the  
marches of the  
same.

Item, where divers Lordships Marchers, as well in Wales as in the borders of the same, now being by Act of Parliament annexed to divers Shires of England, be lately come to the King's Hands, by suppression of Houses, by Purchase or Attainders, and now be under the survey of the Court of Augmentations, or of the King's General Surveyors, the liberties, franchises, and customs of all which Lordships be lately revived by Act of Parliament made the xxxij. Year [32 H. 8. c. 20.] of his most gracious Reign, nevertheless, his Majesty willet and commandeth, that no other liberties, franchises, or customs shall from henceforth be used, claimed, or exercised within the said Lordships, nor any other Lordship within Wales, or the County of Monmouth, whosever be Lord or Owner of the same, but only such liberties, franchises, and customs as be given and commanded to the Lords of the same Lordships, by force and vertue of the said Act of Parliament made for Wales, in the said xxvij. Year of his Grace's Reign, and not altered ne taken away by this Ordinance; the said Act made in the said xxxij. Year, or any other Act, Grant, Law, or Custom to the contrary thereof notwithstanding. s. 101.

Peaceable pos-  
session of lands  
five years.

Item, that if any person or persons, their ancestors, or they whose estate the same person or persons have or hath in peaceable possession of any Lands or Tenements in Wales, by the space of Five Years, without let, interruption, or lawful claim; that then the same person or persons shall still continue their possession, until such time as it shall be lawfully recovered against them by the order of the King's Laws, or by decree of the President and Council there. s. 102.

Jury de circum-  
stantibus.

Item, in Actions personal, taken and pursued before the said Justices in Wales, by original Writ or Bill, if ix. of the Jury be



sworn to try the Issue between the Party Plaintiff and the Defendant, and the Residue of the said Jury make default, or be tried out, then the Sheriffs shall and may immediately return other names in the said Jury, *de circumstantibus*, unto such time there be xii. men sworn to try the Issue between them, as before the Justices of North Wales hath been afore used and accustomed in such cases. s. 103. See the Statute 5 Eliz. c. 25. post.

Item, that if any Goods or Chattels be stolen by any person or persons, and sold in any Fair or Market within the said Dominion of Wales, that no such Sale shall change the Property thereof from the Owner of the same, but that he may lawfully seise, take, and have the same again, upon proof thereof made, the said sale notwithstanding. s. 104.

No sale of stolen goods shall change the property.

Item, that no person or persons bargain or buy any manner of Beast or other quick Cattle in any place within Wales, out of the Market or Fair, unless he can bring forth sufficient and credible Witness of the name of the person, what place and time he bought the same, upon pain and danger of such punishment and fine as shall be set upon him by the said President and Council, or any of the said Justices in his Circuit for the said Offence, and as he will therefore answer at his further peril. s. 105.

None shall buy cattle out of the market.

Item, if any Goods or Chattels be stolen within the limits of any of the said Shires in Wales, that then upon Suit thereof had and made, the tract shall be followed from Township to Township, or Lordship to Lordship, according to the Laws and Customs in that behalf heretofore used in Wales, upon such penalty and danger as heretofore hath been accustomed. s. 106.

Following of stolen goods.

Item, that every person that hath any Lands or Tenements in Fee Simple or Fee Tail, or for term of life, or for term of any other man's life, being freehold, shall and may pass in all manner Juries and Trials, as well in case of Felony or Murder, as in all Actions real, personal, and mixt, whatsoever they be, attaint only except; and also may be impannelled and enquire of all concealments, forcible entries, and other causes of enquiry for the King's Majesty, albeit he may not dispend xl s. by the year, saving to every man his lawful challenge for any other cause, according to the Laws of this Realm of England. s. 107.

A freeholder may pass in any jury.

Item, that no Juror shall pass in attaint unless he may dispend xl s. by the year of Estate of Freehold. s. 108.

Juror in attaint.

Item, that the King's Majesty shall have all Felons Goods and Goods of persons outlawed, waifs, strays, and all other For-

Felons goods, waifs, strays.

feitures and Escheats whatsoever they be, answered thereof by the hands of the Sheriffs; saving always the right and interests of every of his Subjects having lawful title to have the same. 34, 35 H. 8. c. 26. s. 112.

In what courts errors in Wales shall be redressed.

Item, that all Errors and Judgments before any of the said Justices at any time of the Great Sessions, in Pleas real or mixt, shall be redressed by Writ of Error, to be sued out of the King's Chancery of England, returnable before the King's Justices of his Bench in England, as other Writs of Error be in England; and that all Errors in Pleas Personal shall be reformed by Bills to be sued before the said President and Council of Wales, from time to time, as the Party grieved will sue for the same; and if in case the Judgment be affirmed good in any of the said Writs of Error or Bills, then there to make Execution, and all other Process thereupon, as is used in the King's Bench of England; and that the Pursuants in every such Writ of Error or Bill do pay like Fees therefore as is used in England. s. 113.

False judgment.

Item, that no Execution of any Judgment given or to be given in any base Court, be stayed or deferred by reason of any Writ of false Judgment, but that Execution shall and may be had and made at all times before the reversal of the said Judgment, the pursuit of the said Writ notwithstanding; and in case the said Judgment happen after to be reversed, then the Party pursuant to be restored to all that he hath lost by the said Judgment according to the Laws of the Realm. s. 114.

Process for weighty causes.

Item, that all Process for urgent and weighty Causes shall be made and directed into Wales by the special Commandment of the Chancellor of England for the time being, or any of the King's Council in England, as heretofore hath been used; any thing in this Act to the contrary thereof notwithstanding. s. 115.

Bewdley shall be within the county of Worcester.

Item, that the town of Bewdley, which is within the Parish of Ribbesford in the County of Wigorn, and all the ground and soil of the same Town, shall from henceforth be united, annexed, and made parcel of the County of Wigorn, and to be within the Hundred of Dodingtre; and that all the Inhabitants of the said Town and Parish shall from henceforth be attendant and do every thing and things with the Inhabitants of the said Hundred, as the same Inhabitants be now bound to do by the Laws of this Realm of England; saving always to the Burgess and Inhabitants of the said Town of Bewdley, all such Liberties and Franchises as they lawfully had and exercised within the same Town before the making of this Act, in like Manner and Form as though this Act had never been had or made. s. 116.

Item, that the Lordship of Llanstiffan, Usterloys, and Langham, and the Members of the same, and all Manors, Lands, Tenements, and other Hereditaments in the same Lordship, and the Members of the same, be from henceforth united, annexed, joined, named, accepted, and taken as Part and Parcel of the County of Caermarthen, and reputed, joined, united, named, accepted, and taken as Part and Parcel of the Hundred of Deries, in the said County of Caermarthen; and that the Tenants and Inhabitants of the said Lordships and Members, be attendant, and do every thing and things with the Tenants and Inhabitants of the said Hundred of Deries, as the said Inhabitants now be bound to do, according to the Laws there used. s. 117.

Llanstiffan, Langham, and Usterloys, shall be within the county of Caermarthen.

Item, that the County or Shire Court of the County of Radnor, shall from henceforth be holden one time at New Radnor, and one other time at Preston, alternis vicibus, and never from henceforth to be kept or holden at Rather Gowey, any former Act or other thing to the contrary thereof notwithstanding. s. 118.

County court of Radnor. 27 H. 8. c. 20.

And furthermore the King's Majesty is contented and pleased, notwithstanding the Statute made in the Twenty-seventh Year of his most gracious Reign, that where there should be but Twelve Shires in Wales, that the Town of Haverford-west shall be a County in itself as it hath been before this time used at the will and pleasure of the King's said Majesty; and that it shall be separated from the County of Pembroke, at the King's said Pleasure: And that the King's High Justice of the said County of Pembroke, shall be High Justice of the said County and Town of Haverford-west, and shall have like Power and Authority, to and for the Ministration of Justice within the said County and Town of Haverford-west, as is limited and appointed to the said Justice to and for the Administration of Justice in the said County of Pembroke; and that the Mayor, Sheriff, Bailiffs, and Burgesses in the said County and Town of Haverford-west, from time to time, shall be as well attendant, and obey all Precepts and Commandments of the President and Council of our said Sovereign Lord the King in his Marches of Wales, as also shall be attendant to all Precepts and Process awarded or directed by the said High Justice unto the Sheriff of the said County and Town of Haverford-west, and to make return thereof: And the said Sheriff of the said County and Town shall serve all Precepts and Process directed from the said High Justice, in like

Haverfordwest county in itself.

The judicial seal  
of Pembroke, &c.

Manner and Form as the Sheriff of the said County of Pembroke is bound to do, and according to the Effect and Purport of the King's Ordinances in that behalf had, made and provided; and that it shall be lawful unto the said Mayor, Sheriffs, Bailiffs, and Burgesses of the said County and Town of Haverford-west aforesaid, to use and exercise all lawful Liberties and Grants, by the King's Majesty or his Noble Progenitors to them granted and confirmed at the King's Majesties Will and Pleasure, according to the Laws of the Realm of England, and not otherwise: And that the judicial Seal of the said Shires of Pembroke, Caermarthen, and Cardigan, being in the Custody and Keeping of the King's High Justice there for the time being, shall be used in the said County and Town of Haverford-west, as the original and judicial Seal of the same Town and County: And that the said Justice of the said Shires of Pembroke, Caermarthen, and Cardigan, shall have like Power and Authority, by virtue of the King's Letters to him made, as well to do all and every thing and things concerning common Justice to be ministred within the said Town and County of Haverford-west, as he hath in his said Letters Patents, within any of the said Shires of Pembroke, Caermarthen, and Cardigan. s. 124.

Provided always, that this Article touching and concerning the County and Town of Haverford-west, and all things therein contained, shall stand and endure but only at the King's Majesties Will and Pleasure, and none otherwise. s. 125.

This act prejudicial to no man's inheritance.

Provided always, that this Act or any thing therein contained, shall not be prejudicial nor hurtful to any person or persons, or bodies politic, for or concerning any Lands, Tenements, Rents, Services, Bondmen, Tolls, or other Hereditaments; but that they and every of them, their Heirs, Successors, and Assigns, and the Heirs, Successors, and Assigns of every of them, shall have, hold, and enjoy their Lands, Tenements, Rents, Services, Bondmen, and other their Hereditaments, in such like Manner, Form, and Condition, as they had the same before the making of this Act, and as if this Act had never been had ne made. s. 126.

Every of the king's officers may enjoy his office and fee as he did before.

Provided also, that this Act, nor any thing therein contained, shall be hurtful or prejudicial to any person or persons, for or concerning any Office or Offices which they or any of them have by virtue of any the King's Letters Patents, being now in force before the making of this Act, nor to the Fees of Money used and accustomed to be paid for the Exercise of any such

Offices; but that every person and persons having such Offices and Fees, and their Substitutes and Deputies, shall and may have and exercise their said Offices, as is limited by this Act, and as they might have done before the making of this Act; and shall also have and perceive all such Fees for the exercise of the said Offices, in as large and ample Manner, Form, and Condition, as they might afore the making of this Act, and as if this Act had never been had ne made. 34, 35 H. 8. c. 26. s. 127.

Provided always, that all Lands, Tenements, and Hereditaments, within the said Dominion of Wales, shall descend to the Heirs, according to the course of the Common Laws of the Realm of England, according to the Tenor and Effect of this Act, and not to be used as Gavelkind; any thing contained in these Provisions, or any of them, to the contrary thereof notwithstanding. 's. 128.

No gavelkind land, but descendible according to the course of the common law.

Provided always, that all Liberties, Franchises, and Privileges of the Duchy of Lancaster, or in any wise appertaining to the same, shall be of the same Force, Plight, Quality, Goodness, and Condition, and may be used in as large and ample Manner, as they were before the making of this Act, and as if this Act had never been had or made; any thing in this Act to the contrary thereof notwithstanding. s. 130.

All liberties of the duchy used as before.

Whereas by divers laudable Statutes, Usages and Laws of this Realm, for the good Government and Administration of Justice within the Principality and Dominion of Wales, and the County Palatine of Chester, it hath been established, used and enacted among other Things, that there shall be holden and kept Sessions twice in every year, in every of the Shires in the said Dominion and Principality of Wales; that is to say, in the Shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, the Town and County of Haverford-west, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Merioneth and Anglesey, and in the said County Palatine of Chester; the which Sessions are called the King's great Sessions: and that the Justice of Chester for the Time being, shall hold and keep Sessions twice in every year in the Shires of Chester, Denbigh, Flint and Mountgomery: and likewise that the Justice of North Wales shall hold and keep Sessions twice every year, in every of the said Shires of Caernarvon, Merioneth and Anglesey: And that also one person learned in the Laws of this Realm of England, by the Queen's Majesty to be appointed, shall be Justice of the Shires of Radnor, Brecknock and Glamorgan, and shall in likewise hold

The queen may appoint justices of assizes in Wales, and of what things they may hold plea.

The benefits  
ensuing by the  
administration  
of justice in  
Wales, Cheshire,  
&c.

To have one  
judge over-  
charged with  
the hearing of  
many causes, is  
a great delay  
of justice.

and keep Sessions twice in every year in every of the same Shires : And that one other person learned in the Laws of this Realm, to be appointed as is aforesaid, shall be Justice of the Shires of Caermarthen, Pembroke and Cardigan, and the Town and County of Haverford-west, and shall likewise hold and keep Sessions twice in every year in every of the said Shires : And that the said Persons or Justices, and every of them then being, or that hereafter should be, should have several Letters Patents and Commissions for their Offices under the Great Seal of England, to be exercised by themselves, or their sufficient Deputies, according to the purports and intents in the Ordinances specified : Forasmuch as by the good administration of Justice within the said Shires and Counties, the same Principality and Dominion of Wales, and the said County Palatine of Chester, are reduced to great obedience of her Majesties Laws, and the same greatly inhabited, manured and peopled, and for all and all manner of Causes, Pleas, Actions, as well real, personal, and mixt, as Treasons, Pleas of the Crown, Attaints, Conspiracies, Assizes, Quare impedit, Appeals of Murder, Maims and Felony, and Trial upon all Murders, Manslaughters and Felonies whatsoever arising within the said several Circuits, are by the said Laws, Usages, and Statutes impleadable, impleaded and determinable before one only Justice, as is aforesaid : And for that many great and weighty causes, matters, questions, demurrers and ambiguities in Law do hereupon daily arise, increase, and are like more and more to increase within the said Shires, to the infinite trouble of such one Justice within every of the said several Circuits, and to the great decay and hinderance of administration of Justice : For the better and more speedy remedy whereof, her Majesty's Subjects of the said Principality and Dominion of Wales, and County Palatine of Chester, have made their most humble Petition and Suit to her Highness, to have two Justices learned in the Laws in every of the said several Circuits ; and forasmuch as some question, ambiguity and doubt hath been heretofore made, whether her Highness by her Letters Patents under the Great Seal of England, might or may authorize, constitute or appoint two persons or more, to be her Highness's Justices in every of the said several Circuits, or grant Commission or Commissions of Association or Associations, to or with every or any such several Justice and Justices, or no : and also whether after such Grant, the Administration of Justice in those Offices and Function done by two, may be sufficiently rewarded by Law, or



no : For plain explanation whereof, and for the better redress, and more speedy administration of Justice to be had touching the premises, be it declared, explained, enacted and established by the Queen's most excellent Majesty, by the assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that the Queen's Highness, her Heirs and Successors, may and shall, at her and their will and pleasure, have full power, prerogative, and authority from time to time, to constitute, authorize, name or appoint two or more learned, as aforesaid, in the Laws of this Realm, to be Justices of and for the said Counties of Chester, Flint, Denbigh and Mountgomery : and two or more learned as aforesaid, to be Justices of North Wales, viz. of and for the said Shires of Anglesey, Caernarvon and Merioneth : and likewise two or more learned as aforesaid, to be Justices of and for the said Circuit and Shires of Radnor, Glamorgan and Brecknock : and also two or more learned as aforesaid, to be Justices of and for the said Circuit and Shires of Cardigan, Caermarthen and Pembroke, and the Town and County of Haverford west ; any Law, Usage, Opinion, or Statute to the contrary notwithstanding. 18 Eliz. c. 8. s. 1, 2, 3.

And that her Majesty, her Heirs and Successors, may and shall, at her and their good will and pleasure, from time to time, associate and grant Commission and Commissions of Association or Associations under the Great Seal of England, to any person or persons learned as aforesaid, to be associate to or with every or any such several Justice or Justices for the time being, of the said several Circuits and Counties aforesaid, or in any of the said Counties ; and that all and every such two Justices or more, within every of the said several Circuits and Counties, and also that every such Justice or Justices, together with such person or persons associate (if any such Association or Associations shall happen to be as aforesaid) during such Association, and after such association ended, or without such association, such Justice or Justices shall have the like full power, pre-eminence, authority and jurisdiction from henceforth, to all intents, constructions, purposes and effects, as any one Justice within any the said Circuits or Shires aforesaid, now hath, or at any time heretofore had or ought to have ; and also shall have like power, authority, pre-eminence and jurisdiction to keep and hold the several Sessions aforesaid, twice in every year, in every of the said Shires within their several Circuits aforesaid, and to hear, determine, order, award, adjudge, receive, take knowledge of, and execute

The queen may grant commissions of associations to any person licensed to be associate with justices.

Of what things the two justices, or they with the associates, may hold sessions.

all and singular Causes, Matters, Pleas of Assises, Treasons, Murders, Felonies, Indictments, Appeals of Murder, Felony and Maims, Actions Reals, Personals and mixt Suits, Plaints, Informations, Quarrels, Attaints, Conspiracies, Quare impedit, and all Actions grounded upon any Statute or Statutes, Writs, Processes, Returns, Essoigns, Verdicts, Judgments, Fines, Acknowledges, Confessions, Warrants and Executions, Actions and Acts whatsoever, and to do, perform, observe, accomplish, and make all and every other Act and Acts, Matter and Matters, Thing and Things whatsoever, in like and in as ample, beneficial, lawful and effectual manner and form, to all constructions, qualities, intents and purposes, as any of the now several Justices, or any of the now Justice or Justices within the same several Circuit or Circuits, and Counties aforesaid, may, ought, hath, or might lawfully do by force of any Law, Usage or Statute heretofore had, made or used before the making of this Act: and that from henceforth all and singular Writs, Processes, Returns, Essoins, Verdicts, Judgments, Fines, Recoveries, Recognizances, Acknowledges, Confessions, Act and Acts, Thing and Things, Matter and Matters as aforesaid, had, made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any such two Justices or more, or any such Justice or Justices, and Associate or Associates as aforesaid, to be appointed, nominated, authorized or constituted as aforesaid, shall be allowed, taken, construed, expounded and adjudged as good, effectual, and available, to all intents, constructions and purposes, as if the same had been made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any such one Justice, or one of the Justices now or late being Justice or Justices of the same Circuit, or several Circuits aforesaid; any Law, Usage, Statute, Act, Ordinance or Prescription to the contrary in any wise notwithstanding (1). s. 4.

## II. *As to Juries there.*

Where for lack of diligent and sure Custody of Jurors sworn for Trials of Murthers, Felons, and Accessories of Felonies and Murthers in Wales, and the Marches of the same, divers Adherents, Friends, and Kinsfolks to such Offenders have resorted

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(1) By the Statute 8 G. 3. c. 14. the Sheriffs in the several Counties in Wales are directed to provide Lodgings for the Justices of the Great Sessions, in like manner as is provided by the Sheriffs of the several Counties in England for the Justices of Assise there.

to the same Jurors, and have suborned them to acquit divers Murtherers, Felons, and Accessaries, openly and notoriously known, contrary to Equity and Justice; it is therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, that forthwith upon the Charge given to an Inquest hereafter to be taken and sworn before any Justicer, Steward, Lieutenant, or other Officer within Wales, or the Marches of the same, of, for, and upon any Traverse against the King, or the Trial of any Recognizance broken, or any other Forfeiture forfeited to the King, of, for, and upon Trial of any Murtherer, Felon, or Accessary of Felony or Murther, one Officer or other person shall be deputed and sworn in the presence of the said Justicer or other Officer, for the true and diligent keeping of the same Jurors; and that the same Officer or other person so sworn, without the special commandment of the said Justicer or other Officer, shall not do or suffer to be ministred to the same Jurors any Bread, Drink, Meat, Fire, or Light, nor shall suffer the same Jurors to speak to any person or persons; nor the same Officer or other person sworn, without the commandment aforesaid, shall not speak to the said Jurors, but only to demand of them their Agreement, unto such time as the same Jurors shall have given their Verdict, any usage or custom heretofore used to the contrary notwithstanding; and if the same Officer or other person so sworn in form aforesaid, do not execute and accomplish the premises in the Oath before rehearsed, in every point and article, then the same Officer, or other person so sworn, shall be punished and imprisoned, and make Fine and Ransom to the King's Highness, by the discretion of the said Justicer, Steward, Lieutenant, or other Officer. 26 H. 8. c. 4. s. 1.

An Officersworn  
for the keeping  
of jurors in  
Wales.

And also be it enacted by the Authority aforesaid, that if the same Jurors do acquit any such Felon, Murtherer, or Accessary, upon whose Trial they shall be charged, or give any untrue Verdict against the King, upon the Trial of any Traverse, Recognizance, or other Forfeiture, contrary to good and pregnant Evidence ministred to them by persons sworn before the said Justicer, Steward, Lieutenant, or other Officer, or that the said Jurors or any of them do eat, drink, or speak to or with any other person or persons than to such as be sworn with them, or otherwise misdemean themselves after they be sworn, and before they have given their Verdict, that then the Lord President

The penalty of  
jurors in Wales  
which do commit  
perjury, or other-  
wise misdemean  
themselves.  
Vaughan, 150,  
151.

and other of the Council of the Marches for the time being, upon notice or complaint thereof to them made, shall not only have Power and Authority by this present Act to call such Jurors before them, but also the same Justicer, Steward, or other Officer, afore whom any such Acquittal, untrue Verdict, or Misdemeanour shall happen to be made, shall have full Power and Authority to compel such Jurors and every of them, upon pain of Imprisonment, to be bounden by recognizance in a certain Sum of Money, by their discretion to be limited, that the same Jurors and every of them shall personally appear at a certain day, by the same Justicer, Steward, or other Officer to be limited, before the Lord President and other of the Council aforesaid for the time being, then and there to abide and stand to such direction and order as the same Council shall make, ordain, and decree, of, in, and upon the same; and that the same Council shall thereupon have Authority and Power, by Examination or otherwise, to hear and determine all and every such Cause, and shall have like Authority to commit every of the same Jurors to Prison, or other Punishment, as shall be thought most meet by the discretion of the said Council, or otherwise assess or tax every such Juror to his Fine or Ransom by the same discretion, to be paid and levied of their Lands, Goods, and Chattels, to the use of the King's Highness. s. 2.

In certain cases in Wales de circumstantibus may be granted in the 12 shires in Wales, and in the county palatine of Chester, &c. by the justices at their great sessions.

A rehearsal of the statute of 35 H. 8. 6. touching the filling up a jury de circumstantibus.

Where in the Parliament holden at Westminster, in the Thirty-fifth Year of the Reign of our Sovereign Lord King Henry the Eighth, Father to our most dear Sovereign Lady the Queen's Majesty that now is, one wholesome and profitable Act and Estatute amongst other was then established and enacted, intituled by the Name of an Act concerning the Appearance of Jurors in Nisi Prius; where, amongst other things in the Act, it was established, that where a full Jury returned betwixt Party and Party did not appear before the Justices of Assize or Nisi Prius, or else after appearance of a full Jury, by challenge of any of the Parties, the Jury was like to remain untaken for default of Jurors, that the same Justices, upon request made by the Party Plaintiff or Demandant, should have authority by virtue of the same Act to command the Sheriff, or other Minister or Ministers to whom the making of the said Return should appertain, to name and appoint, as often as need should require, so many of such other able persons of the said County then present at the said Assize of Nisi Prius as should make up a full Jury; which persons so to be named and impannelled by such Sheriffs,

or other Minister or Ministers, should be added to the former Panel, and their Names annexed to the same, and further, as in the same Act more plainly may appear; which said beneficial Act doth not extend unto the Twelve Shires of Wales, ne to the County Palatine of Chester, nor to the County Palatine of Lancaster, nor to the County Palatine of Durham, by reason whereof many Juries remain untaken betwixt the Parties, what for lack of appearance of Jurors, and some because of Challenges, to the great hindrance of Justice, and great Expences and Charges to the Parties: for Reformation whereof, be it enacted by the Queen our Sovereign Lady, with the assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that in every of the Shires of Wales, that is to say, Pembroke, Caermarthen, Cardigan, Brecknock, Radnor, Glamorgan, Mountgomery, Denbigh, Flint, Merioneth, Anglesey, Carnarvan, and in the Palatine of Chester, and in the said County Palatine of Durham, and in the said County Palatine of Lancaster, where a full Jury shall not appear before the Justices of the Great Session in any of the said Shires or Counties Palatines, or their Deputies there, or else after appearance of a full Jury by challenge of any of the Parties the Jury is like to remain untaken for Default of Jurors, that then the same Justices, in every of the said Shires and Counties Palatines, for the time being, or their Deputy or Deputies, upon Request made by the Party Plaintiff or Demandant, shall have full authority by virtue of this Act to command the Sheriff or other Minister or Ministers to whom the making of the said Return shall appertain, to name and appoint, as often as need shall require, so many of such other able persons of the said Counties then present at the said great Sessions as shall make up a full Jury; which persons so to be named and impannelled by such Sheriffs, or other Minister or Ministers, shall be added to the former Panel, and their Names annexed to the same: and that every of the Parties shall or may have his or their Challenge to the Jurors so named, added and annexed to the said former Panel, by the said Sheriff, or other Minister or Ministers, in such wise as if they had been impannelled upon the Venire facias awarded to try the said Issue; and that the said Justices, and every of them, and their Deputy or Deputies, shall and may proceed to the Trial of every such Issue with those persons that were before impannelled and returned, and with those newly added and annexed to the said former Panel by virtue of this Act, in such wise as they might or ought to have done if all

Co. pl. f. 28.  
Cro. Jac. 161.

Challenge to  
the jurors newly  
named.

A juror newly impannelled, doth withdraw himself.

the said Jurors had been returned upon the Writ of Venire facias awarded to try the said Issue; and that all and every such Trial had shall be as good and effectual in the Law, to all Intents, Constructions, and Purposes, as if such Trial had been had and tried by Twelve of the Jurors impannelled and returned upon the Writ of Venire facias awarded to try such Issue; and in case such persons as the said Sheriff, Minister or Ministers, shall name and appoint, as is aforesaid, or any of them, after they shall be called, be present and do not appear, or after his or their appearance do wilfully withdraw him or themselves from the presence of the Court, that then such Justices, or their Deputies, shall and may set such Fine upon every such Juror making Default, or wilfully withdrawing himself as aforesaid, as they shall think good by their Discretions; the said Fine to be levied in such manner and form as Issues forfeited and lost by Jurors for default of their appearance, as is provided by the Law and Custom of the said Countries of Wales, and Counties Palatines aforesaid where such Issues are forfeited. 5 Eliz. c. 25. s. 1, 2.

The first jurors making default, shall lose their issues.

Where any Jury that shall be returned by the Sheriff, or other Minister or Ministers, shall be made full by the Commandment of the said Justices or their Deputies, by virtue of this present Act, yet, nevertheless, such persons as were returned in the said Panel by the Sheriff, or other Minister or Ministers, to try any such Issue, that shall not appear but make Default, shall lose the Issues upon them returned in such wise as though the same Jury had remained for default of Jurors. s. 3.

Upon a reasonable excuse jurors shall be discharged of issues.

Provided always, that upon reasonable excuse for the default of appearance of any Juror or Jurors, sufficiently proved before the Justices of the Great Sessions, or their Deputies, in the Countries and Counties Palatines aforesaid, at the Day of their appearance, by the Oaths of Two lawful and honest Witnesses, that the same Justices shall have authority by their Discretions to discharge every such Juror of every such Forfeiture of Issues upon him returned; and that the said Sheriff or Sheriffs, or other Minister or Ministers, having Commandment by the said Justices to omit the returning of such Issues as is aforesaid, upon such Juror or Jurors, shall be therein discharged of the Penalties aforesaid for the non-returning of the said Issues, and that yet notwithstanding the said Return to be good and effectual in the Law; any Law, Usage, Ordinance, or Custom to the contrary notwithstanding. s. 4.



Provided also, that if the said Justices, or their Deputies, afore whom any such Jury should appear in the Shires or Counties Palatines where such Issue is to be tried, do not come at the Day and Place appointed, that then every one of the same Jurors shall be discharged for forfeiting of any Issues upon him returned in the same Writ; and the Sheriff, or other Minister or Ministers, shall be likewise discharged of the Penalties of this Estatute, for the non-returning of such Issues as are before limited in this Act; any Article or Sentence herein contained to the contrary notwithstanding. 5 Eliz. c. 25. s. 5.

If the justices come not, the jury shall be discharged of their issues.

If upon any such Writ of Habeas Corpora, or Distringas, Issues be returned upon any Hundredors, Juror or Jurors, by the Sheriffs, or other Minister or Ministers to whom the Execution of the same Writ or Writs shall appertain, whereas the same Hundredors and Jurors shall not be lawfully summoned, warned, or distrained in that behalf, that then every such Sheriff, or other Minister or Ministers aforesaid, shall lose for every such Offence so committed, Double so much as the said Issues returned upon such Hundredors or Jurors not lawfully summoned, warned, or distrained, shall amount unto; the Moiety of all which Forfeitures contained in this present Act, other than the Issues to be returned upon the Jurors as is aforesaid, shall be to the Queen our Sovereign Lady, her Heirs and Successors, and the other Half to him that will sue for the same, by Action of Debt, Bill, Plaint, or Information, in the Queen her Grace's great Court within the said County where such Forfeiture shall happen to be, before the said Justices, his or their Deputy or Deputies; in which no Wager of Law, Essoin, or Protection shall be allowed ne admitted; saving to all manner Persons, and Bodies Politic and Corporate, their Heirs and Successors, having lawful Right, Title, and Interest, to have such Issues to be before any such Justices or their Deputies, at any time or times hereafter lost and forfeited, all such Right, Title, and Interest as they or any of them should or ought to have had to such Issues to be lost and forfeited, as though this Act had never been had or made. .s. 6.

The sheriffs forfeiture for returning of issues, upon a juror not warned.

Who shall have the forfeitures, and by what means they shall be recovered.

Provided also, that this Act nor any thing therein contained shall not extend to any City or Town Corporate, or to any Sheriff, Minister or Ministers in the same, for the Return of any Inquest or Panel to be made and returned of persons inhabiting in the said Cities or Town Corporate, but that they and every of them shall and may return such persons in every

Returning of inquests in cities and towns corporate.

such Inquest and Panel, as before this time they might and have been accustomed to do, and as if this Act had never been had or made, so that the same Sheriff, Minister or Ministers, return upon such persons as shall be impannelled such reasonable Issues as they ought to return; any thing in the same contained to the contrary notwithstanding. s. 7.

### III. *Outlawries in Wales.*

Exigents and proclamation shall be awarded out of the King's Bench and Common Place, against any person dwelling in Wales or Chester.

6 H. 8. c. 4.

Where in the High Court of Parliament holden at Westminster the seven and twentieth Year of the most prosperous Reign of the late famous King Henry the Eighth, by the Assent of the Lords Spiritual and Temporal, and the Commons assembled in the said High Court of Parliament, it was enacted and established by Authority of the same Parliament, that his Highness Dominion and Principality of Wales, and all Manors, Lands, Tenements and other Dominions within the said Dominion and Principality of Wales, should be divided into Twelve Shires or Counties, that is to say, the Shires or Counties of Glamorgan, Radnor, Brecknock, Caermarthen, Pembroke, Cardigan, Merioneth, Montgomery, Flint, Caernarvan, Anglesea and Denbigh, in every of which said Counties and Shires, amongst the Officers yearly appointed, it was then ordained, that there should be distinct and several Sheriffs yearly; and also where the Counties Palatine of Chester, and of the City of Chester, be ancient and several Counties Palatine of themselves, in all which said Counties the King's Writ hath not, nor yet doth run; so that the Proclamation awarded upon any Exigent against any Person or Persons in any Action wherein Process of Outlawry doth lie, according to the Statute made in the Sixth Year of the Reign of the said late King, cannot be directed unto the Sheriff or Sheriffs of any of the said Shires or Counties, but unto the Sheriff of the County next adjoining; so that the Party dwelling in any of the said Shires or Counties against whom any such Exigent and Proclamation shall be so awarded, shall not, nor can have any Knowledge of the same Suit or Process, by reason whereof many of the Persons inhabiting in the said Shires and Counties, without Knowledge or Cause of Suit, have been wrongfully and unjustly outlawed to their utter undoing: Be it therefore, and for divers other good considerations, by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, enacted, ordained and established,

that if and whensoever any Writ of Exigent, at any time after the First Day of April next coming, shall be awarded at the Suit of the King, or of any other Person or Persons, Plaintiff or Plaintiffs, in any Action or Suit, in any of the Courts of our said Sovereign Lord the King, his Heirs or Successors, commonly called the King's Bench, and the Common Place, against any Person or Persons dwelling in any of the aforesaid Counties in Wales, or in the said Counties Palatine of Chester, or the City of Chester, or in any of them, that then immediately upon the awarding of every such Exigent, the Justice or Justices before whom any such Writ or Exigent, upon such Suit or Action shall be sued, shall have full Power and Authority to award one Writ of Proclamation according to the Tenor and Effect of Proclamations awarded upon Exigents, directed out of any of the said Courts in London, against any Person dwelling in any other Shire where the King's Writ is current, according to the order and form of the said Statute made in the Sixth Year of the said late King, to be directed to such of the aforesaid Sheriffs of any of the aforesaid Counties in Wales, and of the Counties Palatine of Chester, and of the City of Chester for the time being where it shall happen to the said Defendant, against whom any such Action shall be sued as is aforesaid, to be dwelling: and that every such Writ of Proclamation shall have the same Teste, and Day of Return, as the Exigents, whereupon every such Writ of Proclamation shall be awarded, shall have; and that every such Sheriff to whom any such Writ of Proclamation shall be directed, shall make Proclamation of the said Writ of Proclamation, according to the Tenor of the same, and shall make true Return of the same in such Court, and before such Justices as the Tenor of the same Writ shall require and demand. And that all Outlawries hereafter to be promulged, or pronounced against any Person or Persons upon any such Exigent or Exigents awarded against any Person or Persons dwelling in any of the said Counties of Wales, and the Counties Palatine of Chester, and of the City of Chester, and no Writ of Proclamation awarded in Form abovesaid, to the Sheriff or Sheriffs of the County where the Party Defendant shall be as is abovesaid Dwelling, or not returned, to be clearly void and of none effect nor force in the Law. 1 Ed. 6. c. 10. s. 1, 2.

And be it further enacted by the Authority aforesaid, that all and every Sheriff and Sheriffs of every of the said Counties of Wales, and of the Counties Palatine of Chester, and of the City of Chester aforesaid, shall have in every of the Courts of

Every sheriff in Wales, and of Cheshire, and Chester, shall have deputies in the King's

Bench and Common Place.

the King's Bench, and of the Common Place, one sufficient Deputy at the least, to receive all Writs directed to such the Sheriff or Sheriffs for whom the same Deputy or Deputies shall be appointed, in like Manner and Form, and upon like Pains as by the former Statutes and Laws of this Realm, other Sheriffs of other Shires or Counties within this Realm of England, be bounden to have in either of the same Courts. And that all Writs of Proclamation aforesaid shall be delivered unto every such Deputy of Record in the same Courts; and also like Fees shall be paid for making every such Writ of Proclamation, and for enrolling the same of Record, as is limited in the said Statute made in the said Sixth Year of the Reign of our said late Sovereign Lord King Henry the Eighth. s. 3.

To whom process against any person outlawed shall be directed.

And be it further enacted by the Authority aforesaid, That if any Person dwelling in any of the said Counties of Wales, after the aforesaid First Day of April, shall be outlawed in any Suit or Action aforesaid, that then Writs of Special Capias utlegatum fingle Capias utlegatum, non molestand. and all other Process, for or against any Person outlawed, shall and may from thenceforth be directed to the Sheriff of any of the said Counties in Wales, as immediate Officers to the King's said Courts of the King's Bench or Common Place in that Behalf; and that every such Writs may be delivered of Record to the Deputy of such of the said Sheriffs to whom any such Writ or Process shall be directed; and that every such Sheriff shall make Execution and return of every such Writ or Process to him directed, upon like Pain and Penalty as is above limited. s. 4.

The sheriffs forfeiture for not returning of a writ of proclamation.

And be it further enacted and established, that if any such Writ or Writs of Proclamation hereafter directed to any of the Sheriffs of any of the said Shires in Wales, or Counties Palatine of Chester, or of the City of Chester, be delivered unto any of the said Sheriffs for the time being, or to his or their Deputy in Manner and Form aforesaid, and the same Sheriff or Sheriffs do not make true Return of every such Writ and Writs of Proclamation, into such Court and Courts out of which the said Writ or Writs of Proclamation shall be awarded; that for every such Fault or Non-return, every such Sheriff for the Time being shall lose and forfeit Five Pounds, the one half thereof shall be to our Sovereign Lord the King, his Heirs and Successors, the other half to any such Person or Persons as will sue for the same in an Action of Debt grounded upon this Act, in any of the King's Courts of Record, wherein no Essoin, Protection, or Wager of Law shall be allowed or admitted. s. 5.

Provided always, this Act, or any thing therein contained, shall not in anywise extend or be prejudicial to the same Counties of Wales, or to the said Counties Palatine of Chester, or of the City of Chester, for or concerning such Liberties, Franchises or Privileges, as belong to them or any of them, or to any Ministers or Officers of them or any of them, otherwise or in any other Manner then by the true Meaning of this Act is before provided and declared; any thing in this Act mentioned to the contrary notwithstanding. s. 6.

A reservation of other liberties in Wales, &c.

Provided always, and be it enacted by the Authority aforesaid, that this Act ne any thing therein contained, shall not in anywise be prejudicial or hurtful to any Lord Marcher in Wales; but that they and every of them, and their Heirs, and the Heirs of every of them, shall and may have like Liberty, Interest and Pre-eminence, as they and every of them had, might, or ought to have had before the making of this Act, and as though this Act had never been had ne made: any thing in this Act mentioned to the contrary in anywise notwithstanding. s. 7.

The liberties of the lord marchers reserved.

IV. *For preventing the Passage of Felons and Stolen Goods across the River Severn.*

Forasmuch as daily divers Felonies, Robberies, and Murthers, been many times committed and done in the Counties of Gloucester and Somerset, in the parts next adjoining unto the Water, called the Water of Severn, between England and South Wales; and after such Murthers and Felonies done, the said Robbers, Felons and Murtherers, with the said Goods so robbed and stolen, make their conveyance with the said Goods so stolen by Night at divers Passages or Ferries over the said River or Water, as the Passages of Auste, Fremeland, Pyrton, Arlingham, Newenham, Portsedes, Poynte, and all such other like Passages over the said River into South Wales, or into the Forest called the Forest of Dean, also adjoining to the same Water; and when they be over the said Water, then the Goods so stolen by divers Privileges there kept albeit the Owner and Owners have true and perfect knowledge thereof, yet they so robbed and spoiled be without remedy for to obtain their said Goods so stolen, so that the secret and sudden conveyance by Night of the said Goods over the said Ferries and Passages doth not only greatly encourage divers persons to come out of the parts of South Wales to steal, rob, and murther divers persons in their Houses in the said Counties joining upon the

No passage upon Severn at unlawful times.

The penalty for transporting offenders into or forth of Wales, at unlawful times.

said borders of Wales, but also causeth many Robberies and Felonies in sundry ways to be committed and done upon the said border near adjoining to the same River, to the great damage and hurt of the King's Subjects inhabiting there, unless some remedy therefore be provided: It may therefore please the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, by the Authority of the same, to enact, that every person or persons taking upon him or them to have and keep any of the said Passages, or any other Passages upon Severn aforesaid, from henceforth do not convey, neither carry with any manner Barge, Boat, or other Vessel, any person or persons with Horses, Mares, Oxen, Kine, or any other Cattle, nor no other person or persons before the time of the Sun rising in the Morning, and after the time of the Sun being gone down at Night, upon pain of Imprisonment and Fine to be set on him that shall so convey or carry over any of the said Passages of the said River of Severn, out of England into Wales, or the Forest of Dean, or out of Wales, or the said Forest of Dean into England, unless the said Passengers and every of them have good knowledge of such person and persons, and of their Dwelling Places; and upon request to them made by any person or persons to disclose the Name and the Dwelling Place of every such person or persons so by them conveyed over the said Water, to any such person or persons requiring the same, if suit be made for and after them upon any outcry, huy, or fresh suit of or for any Felony, Robbery, Murther, and Manslaughter committed and done from henceforth. 26 H. 8. c. 5. s. 1.

Keepers of ferries shall be bound to transport no offenders at unlawful times.

And that the King's Justices of the Peace within every of the said Counties of Gloucester and Somerset, at their Quarter Sessions, shall have full Power and Authority to call before them all such persons, which hereafter shall keep any of the said Passages, or any other Ferry or Passage over the said Water into Wales, or the said Forest, or out of Wales or the said Forest into England, and to bind them with sufficient Sureties with them in recognizance, in such Sums of Money as it shall seem to the discretion of the said Justices of Peace, that they and every of them being Passengers and Keepers of Ferries and Passages, as is aforesaid, from henceforth shall not, after the said times before limited and appointed, convey and carry, or cause to be conveyed or carried, any manner of person or persons, or any kind of Cattle, but such persons as they do know



and will answer for, and know where their Abidings, Dwellings, and Habitations be; and upon request made to them, or any of them, as is abovesaid, shall from time to time disclose, as well the same person or persons as the goods and chattels so passing the said Passages, upon fresh suit made or hereafter to be made upon any Felony, Murther, Robbery committed and done in the borders of the Counties aforesaid, or in any other place within this Realm of South Wales. s. 2.

## **Wears.**

Recital of Magna Carta, 9 H. 3. st. 1. c. 23. 1 H. 4. c. 12. 25 Ed. 3. st. 4. c. 4. and 45 Ed. 3. c. 2. contrary to which great Charter, and all the Statutes aforesaid, in divers Parts of this Realm of England, both in the destroying of the Fish as afore is said, and in Disturbance of the Passages of Ships, Barges, Boats and other Vessels, by divers and many People, divers Fish-garths, Mills, Mill-dams, Mill-stanks, Locks, Ebbing Wears, Stakes, Keddels, Hecks or Flood Gates, and divers other Disturbances be daily enhanced, levied, and enlarged to the great Damage of our Lord the King and his faithful Lieges. Our Lord the King hath ordained and established, that the said Statute of the Great Charter, and all other Statutes concerning the Premises, shall be duly observed and kept; adjoined thereto, that if after the Feast of Saint Michael 1475, by Award, Rule, or Judgement of any of the said Commissioners assigned according to the said Statute (1 H. 4.) it be found that any such Wear-Fish-garths, Mills, Mill-dams, Mill-stanks, Locks, Ebbing Wears, Stakes, Kedels, Hecks or Flood Gates be made, levied, enhanced, straited or enlarged against the same Statute, the Offenders in this Behalf, contrary to the foresaid Award, Rule, and Judgement, being duly warned by the Sheriff or Sheriffs by scire facias, directed to the Sheriff or Sheriffs of such County or Counties where such Wears, Fish-garths, Mills, Mill-dams, Mill-stanks, &c. Noyance, Disturbance, or Impediments be, and within Three Months next after the said Garnishment made, they do not duly and wholly amend, break down, and avoid the said making, levying, enhancing, straiting or enlarging, being defective as afore is said in the said Statute made in the said first Year, that then he or they, being defective in this Behalf, shall forfeit to our Lord the King an hundred Marks, to be paid by Estreats in the Exchequer, in Manner and Form as in the same Statute is contained. 12 Ed. 4. c. 7. s. 1.

A confirmation of all statutes made for the pulling down of wears, &c. 10 Co. 138.

The penalty of an offender that doth not perform the award of the commissioners under the stat. 1 H. 4. c. 12.

Penalty on him that continues the nuisances, or delays to reform it.

Moreover, if the said Offender or his Heir or Heirs, Assignee or Assignees, or any of them, do defer or continue the same Default, contrary to the Award, Rule, or Judgment of the Commissioners aforesaid, that he or they so doing, deferring or continuing the said Default, shall forfeit for every Month after the said Three Months ended, that the same Default shall remain and be not corrected, amended, nor reformed, an C. Marks [Half to the King, and Half to the Party suing by Action of Debt, by original Writ, without Fine in the Chancery] 12 Ed. 4. c. 7. s. 2.

Penalty on the heir or assignee of the offender that continues the nuisance.

If any Person or Persons other than such against whom any such Award, Rule, or Judgment were made and had, being Heir or Assignee to them or any of them, do presume to occupy or continue any such Wears, Fish-garths, Mills, Mill-dams, Mill-stanks, Locks, Ebbing Wears, Stakes, Kedels, Hecks, Floodgates, or other Disturbances or Impediments as afore is said, he or they so presuming to occupy or continue, shall forfeit for every Default, for every Month as is aforesaid, C. Marks, [Half to the King and Half to the Informer, by Action of Debt, without Fine as aforesaid] s. 3.

## **Weights and Measures.**

There shall be but one measure and weight throughout England.

The Statutes 9 H. 3. c. 25. enacts, that One Measure of Wine shall be throughout our Realm, and One Measure of Ale, and One Measure of Corn (that is to say, the Quarter of London); and it shall be of Weights as of Measures.

None but standard measures shall be kept in any town.

The Standard of Bushels, Gallons, and Ells, shall be sealed with an Iron Seal of our Lord the King, and safe kept, under the pain of a Hundred Pound; and no Measure shall be in any Town unless it do agree with the King's Measure, and marked with the Seal of the Shire Town: If any do sell or buy by Measures unsealed, and not examined by the Mayor or Bailiffs, he shall be grievously amerced; and all the Measures of every Town, both great and small, shall be viewed and examined twice in the year: If any be convict for a Double Measure, that is, to wit, a greater for to buy with, and a small to sell with, he shall be imprisoned for his Falsehood, and shall be grievously punished. Stats. temp. Hen. 3. Ed. 1 & 2. c. 8.

The standard bushels and ell's shall be in the custody of mayors, &c.

The Standard Bushels and Ells shall be in the Custody of the Mayor and Bailiffs, and of Six lawful Persons of the same Town, being sworn, before whom all Measures shall be sealed: No manner of Grain shall be sold by the Heap or Cattle, ex-

cept it be Oats, Malt, and Meal. Stats. temp. Hen. 3. Ed. 1 & 2. c. 9.

Item, where it is contained in the Great Charter, that One Measure and One Weight be throughout *England*, and also it is contained in a Statute made in the time of King Edward, Grandfather to the King that now is, that none shall sell by the Bushel if it be not marked with the King's Seal, and that it be according to the King's Standard; and also it is contained, that he which shall be attainted for having Double Measure that is to say, one greater to buy, and another less to sell, shall be imprisoned as false, and grievously punished, which things have not been holden nor used after the said establishment, to the great grief of the People; it is assented and accorded that from henceforth One Measure and One Weight shall be throughout the Realm of *England*, and that the Treasurer cause to be made certain Standards of Bushels, Gallons, of Weights, of Auncel, and send the same into every County where such Standards be not sent before this time, and thereupon shall be assigned two good and sufficient Persons in every County, and more according as the County in greatness requireth, to survey, as well within Franchise as without, that the Measures and the Weights be according to the Standard, and that they have power to inquire, hear, and determine, and to punish all those that shall be found thereof guilty, and that the Sheriffs at their commandments receive and detain them in Prison till they have made Fine to the King; and every person that will complain of such as do offend in buying or selling, shall be heard as well for the King as for himself. And that the said Assignees shall deliver their Estreats every year in the Morrow of St. Michael, at the Exchequer, and take for their expences the fourth part of that which they may levy, and answer to the King the three parts; and of that which may not be levied before their profer, the fourth part shall be allowed to them at the Exchequer, and the three parts levied to the King's Use; and it is not the King's mind, but that the Clerk of the Market shall do his Office when he will, according as he was wont to do in times past, nor the Lords of Franchises shall not be ousted of their Franchises by the occasion of this Ordinance. 14 Ed. 3. c. 12.

x Salk. 327.

There shall be but one measure and one weight in England.

Standard weights and measures shall be sent into every county.

It is ordained and enacted that one Measure and one Weight be through all the Realm of England, as in the Great Charter and other Statutes and Ordinances thereof made, is more plainly contained; and every one that shall be convict that he hath or useth any other Measure or Weight, shall have Imprisonment

The penalty for using false weights and measures.

of half a year, and make recompence to the Party grieved to the double of his loss, (except in the County of Lancaster.) 13 R. 2. st. 1. c. 9.

The weight  
called Auncel,  
abolished.

Item, whereas great damage and deceit is done to the People for that divers Merchants use to buy and weigh Wools and other Merchandizes by a Weight which is called *Auncel*; "it is accorded and established, that this Weight called *Auncel* betwixt Buyers and Sellers shall be wholly put out, and that every person do sell and buy by the Balance, so that the Balance be even, and Wools and other Merchandizes evenly weighed by right Weight, so that the Sack of Wool weigh no more but xxvi. Stones, and every Stone to weigh xiv. Pounds, and that the Beam of the Balance do not bow more to the one part than to the other, and that the Weight be according to the Standard of the Exchequer; and if any buyer do the contrary he shall be grievously punished, as well at the suit of the Party as at the suit of our Lord the King." 25 Edw. 3. st. 5. c. 9.

All measures  
shall be accord-  
ing to the stand-  
ard.

"Item, whereas it is contained in the Great Charter that one Measure shall be throughout *England*, which Charter has not been kept and holden in this point in times past;" it is accorded and assented, that all the Measures, that is to say, Bushels, Half Bushels, Peck, Gallon, Pottle, and Quart, throughout *England*, within Franchises and without, shall be according to the King's Standard, and the Quarter shall contain Eight Bushels by the Standard and no more; and every Measure of Corn shall be stricken without heap, saving the Rents and Terms of Lords, which shall be measured by such Measures as they were wont in times past; and the Perveyors of the King, of the Queen, and all other shall make their Perveyances by the same Measure, striked in the same manner and at all times that shall be needful: Our Lord the King shall assign certain Justices in every County to enquire, hear, and determine upon the points aforesaid, and upon the same to do Punishment according to the Trespass, as well at the Party's suit as at the King's, so always, that all manner of Franchises be saved to the Lords in all points, without blemish to be made in any manner. 25 Edw. 3. st. 5. c. 10.

A recital of 9 H. 3. c. 25. and 25 Ed. 3. st. 5. c. 9. and 10 & 13 R. 2. st. 1. c. 9., it is ordained and established, that the Statutes and Ordinances aforesaid shall be firmly kept and holden and straitly executed. 8 H. 6. c. 5. s. 1.

There shall be a  
common balance  
and weights, ac-

And moreover for to eschew divers great mischiefs which have happened within the Realm of England by the said *Auncel*,

and especially to destroy the falsehood of the Reqraters of Yarn called Yarn Choppers, it is ordained by our Lord the King, that in every City, Borough, and Town of the Realm of England, a common Balance shall be with common Weights sealed and according to the Standard of the Exchequer, upon the common Costs of the said City, Borough, or Town, in the keeping of the Mayor or Constable of the same; at which Balance and common Weight all the Inhabitants of the same City, Borough, or Town that have not such Weights and other that have, if they will, may freely weigh without any thing paying. 8 H. 6. c. 5. s. 2.

according to the standard of the Exchequer, kept in every city, borough, and town.

Our said Lord the King, willing the same Statute and Ordinance to be duly holden and kept by the assent and authority abovesaid, hath ordained, that as well the said Statute as the Statute of Weights and Measures made at the Parliament of our Lord the King that now is, the Eighth Year of his Reign, be proclaimed as well in the City of *London* as in all other Cities, Boroughs, and Counties of *England*, and put in due Execution after the Form and Effect of the same; joining to the said Statute made the said Eighth Year, that in every City, Borough, and Town of the Realm, there shall be a common Bushel sealed, and according to the Standard of the Exchequer, in the same manner and form, and upon the same pain, as in the same Statute is specified, of a common Balance to be in every such City, Borough, and Town; and that the Mayor of the said City of *London*, and all other Mayors of all other Cities and Boroughs of *England* where there is a Mayor, and all Bailiffs of Cities and Boroughs where there is no Mayor, and all Justices of Peace in every County of *England* for the time being, shall have full Power to put all the Statutes and Ordinances aforesaid in due Execution, and to hear and determine all the Defaults, Misprisions, Offences, and Trespasses against the form and effect of the said Statutes and Ordinances done, or to be done or committed, as well at the suit of the King as of the Party which in such case feeleth himself grieved, and of any other of the King's liege People, which in this behalf will sue for the King, and that as well by Examination of the Parties or any of them, according to the discretion of the said Mayors, Bailiffs, and Justices of Peace as by Issues to be tried by Inquisitions duly to be taken and other Pleas and Processes of the Law of the Land; and that as well the Party grieved as any other liege man of the King that will sue for the King, shall have the suit in that case at his will; and that he that is so attainted of any Default, Misprision, Offence, or Trespass done

Every city, &c. shall have a common standard bushel.

against the said Statute made the said first year, shall pay to him at whose suit he is thereof attainted, C s. and his reasonable Costs of the same Suit, and to the King another C s.; and that as well the Mayor of *London* for the time being, after that he is chosen Mayor, and sworn within the said City at his first coming to the Exchequer before the Treasurer of *England*, and the Barons of the King's Exchequer, as every of the said other Mayors and Bailiffs in their Oaths to be made for their said Offices, shall be charged and sworn to do, keep, and execute al the Statutes abovesaid; and that all the Mayors, Bailiffs of Cities, and Boroughs of the Realm, accomptable in the said Exchequer, do yearly accompt in the said Exchequer of the Profits and Forfeitures that may or ought to pertain to our Lord the King by the Form of the said Statutes, saving always to Lords, Cities, and Boroughs, their Liberties and Franchises granted to them by our said Lord the King or any of his Progenitors, not revoked, repealed, or adnulled; and saving always, that the said Statute made the First Year of King *Henry* the Fifth, and all other Statutes of Measures and Weights afore made, stand in their force. 11 H. 6. c. 8.

A weight and measure, according to the Exchequer standard, shall be sent to every city, borough, &c.

Prayen the Commons, that where divers Acts, Statutes, and Ordinances, in the times of the noble Progenitors of our now Sovereign Lord have been made, that one Weight and Measure should be used throughout this Realm, and also that in every City, Borough, and Town within this Realm should be a common Balance, with common Weights and common Measures, marked according to the Estandard of the Exchequer, by the which all men should buy and sell, for the avoiding of all Fraud in that behalf, which Acts, Statutes, and Ordinances have not been observed and kept; for remedy whereof be it enacted and established, that unto the Knights and Citizens of every Shire and City, assembled in this present Parliament, Barons of the Cinque Ports, and certain Burgesses of Burgh towns, before they depart from this Parliament, be delivered one of every Weight and Measure which now our Sovereign Lord hath caused to be made of Brass, for the common wealth of all his Subjects and Lieges within his Realm of England, according to the Standard of his Exchequer, of Weights and Measures as they be in the Exchequer; and that the said Knights, Citizens, and Burgesses to whom the said Weights and Measures shall be delivered as is aforesaid, surely convey, or cause the same to be conveyed, on this side the Feast of Easter next coming, by the said Citizens to their Cities, and by the Knights unto such Borough or Town



Corporate, or Market Town within the Shire for which they be elected, as is specified and contained in a Schedule to this Bill annexed, there to remain for ever in the keeping of the Mayor, Bailiff, or other Head Officer for the time being of the same City, Borough, or Town, as the King's Standard of Weight and Measure; and that the Inhabitants of all Cities, Boroughs, and Market Towns within every of the said Shires, shall, on this side the Feast of the Nativity of St. John Baptist next coming, make or cause to be made common Measures and Weights according to the Weights and Measures above said, to remain within the said Cities, Boroughs, and Market Towns, and every of them; and the same Weights and Measures to be viewed, examined, printed, signed, and marked by the Mayor, Bailiff, or other Head Officer, in whose possession the aforesaid Standard shall remain; and that every of the aforesaid Mayor, Bailiff, or Head Officer, having the said Weights and Measures signed and printed under the Sign and Print for the same, with a letter H crowned, have Authority and Power to make, sign, and print like Weights and Measures, unto every of the King's Lieges and Subjects duly requiring the same, taking for making of every Bushel 1d.; and that from the said Feast no Merchant or other person or persons within any City or Market Town, buy ne sell with any Weight or Measures except it be marked, signed, or printed in manner and form aforesaid, ne any other person or persons out of the said Cities, Boroughs, and Market Towns, except it be like and equal with the said Estandard; and that every person as well without Cities, Boroughs, and Market Towns as within, buy and sell with a Bushel sealed, signed, or marked after the Form aforesaid, and no otherwise; and that all the Mayors, Bailiffs, and other Head Officers of every City, Borough, or Market Town shall cause, twice in the year, or oftner, as they shall think necessary, all Weights and Measures within the said Cities, Boroughs, and Market Towns, to be brought afore them, and to be duly viewed and examined, and such as they shall upon the said Examination find defective immediately to be broken and burnt, and the party or parties which in that behalf hath offended, and been found defective, shall forfeit for the first time vjs. viiijd., the Forfeiture thereof to be unto the said Mayor, Bailiff, or any other having Jurisdiction and Correction in that behalf; and at the second Time the said Offender likewise to forfeit xijjs. ivd., and at the third Time likewise to forfeit xxs., and for further Punishment to be set upon the Pillory, to the Ensamble of other; and that Two Justices of Peace, whereof one shall be of the Quorum, have

Every city, &c. shall make common weights and measures according to such standard, and mark them.

None shall buy or sell but with such weights and measures;

which shall be examined twice every year.

Penalty on offenders.

Justices of peace may hear and determine offences.

The measure of  
corn and weight  
of wool.

14 Ed. 3. st. 1.  
c. 12.

Water measure  
on ship board.

Offences in the  
Cinque Ports  
shall be heard by  
lord warden.

Weights for  
coinage of tin  
in Devon and  
Cornwall.

Authority, as well by Examination as by Inquiry, to hear and determine the Defaults of the said Mayors, Bailiffs, or other Head Officers in that behalf, and also of all Buyers and Sellers doing contrary hereto, and to set Fine and Amerciament upon the Offenders by their Discretion, and the said Weights and Measures so found defective to be forfeited and burnt; be it also enacted, that there be but only viij. Bushels rated and stricken to the Quarter of Corn, and xiv.li. to the Stone of Wool, and xvj. Stone to the Sack; be it also ordained, that the Justices of Peace aforesaid have Authority to make like Process against all persons found as is above said defective, and for such Fines and Amerciaments as upon them shall be assessed, as if they were indicted afore them for breaking of the King's Peace; and where by other Statutes and Ordinances afore limited it is ordained, that every City, Borough, and Town that hath a Constable, should have common Weights and Measures sealed, upon Penalties in the same limited, that those Penalties in that Behalf extend not to any Town which is no City, Burgh, or Market Town: provided alway, that this Act shall not extend nor be prejudicial to any person selling or buying by Water Measure within the Ship-board; and that the Premisses, or any other Ordinance afore made notwithstanding, that the said Water Measure within the Ship-board shall only contain Five Pecks, after the said Standard rated and stricken: provided also, that the Examination of Defaults aforesaid, and Punishment to the Offenders of every Offence committed hereafter within any of the said Five Ports, shall be had, done, and administred by the Lord Warden of the said Five Ports, or by his Lieutenant of the same for the time being, and none other, the Premisses notwithstanding: provided also, that this Act extend not, nor be in no wise hurtful or prejudicial to the Prince within the Duchy of Cornwall, for any Weights appertaining and belonging to the Coinage of Tin within the Counties of Cornwall and Devonshire, but that all such Weights be used, ordered, demeaned, and corrected, as it hath been used and accustomed before this Time, the same Act and Ordinance notwithstanding. 11 H. 7. c. 4. (But see post. 12 H. 7. c. 5. & 16 Car. 1. c. 19. s. 2.)

The Names of Towns limited for the safe Custody of Weights and Measures for the Shires following:

Westmorl.	The Town of Appleby.
Northumb.	The Town of Newcastle.
Cumber.	The City of Carlisle.
Lanc.	The Town of Lancaster.

Ebor.	The City of York.
Lincoln.	The City of Lincoln.
Derby.	The Town of Derby.
Nottingh.	The Town of Nottingham.
Leic.	The Town of Leicester.
Warw.	The City of Coventry.
Rotyl.	The Town of Uppington.
North.	The Town of Northampton.
Bedf.	The Town of Bedford.
Buck.	The Town of Buckingham.
Cantebr.	The Town of Cambridge.
Hunt.	The Town of Huntingdon.
Norf.	The City of Norwich.
Suff.	The Town of St. Edmonds-bury.
Essex.	The Town of Chelmsford.
Hertf.	The Town of Hertford.
Mid.	In Westminster.
Kent.	The Town of Maidstone.
Surr.	The Town of Guildford.
Sussex.	The Town of Lewes.
Oxen.	The Town of Oxenford.
Berk.	The Town of Reading.
Salop.	The Town of Shrewsbury.
Staff.	The Town of Stafford.
Hereford.	The City of Hereford.
Glouc.	The Town of Gloucester.
Wigorn.	The City of Worcester.
Wilts.	The City of New Sarum.
South.	The City of Winchester.
Somerset.	The Town of Ilchester.
Dors.	The Town of Dorchester.
Devon.	The City of Exeter.
Cornub.	The Town of Lustudiel.
London.	The same City.
Bristol.	The same Town.
Quinke Portus.	The Castle of Dover.
Civitas Covent.	The same City.
Southampton.	The same Town.
Civitas Cestr.	The same Town.

A recital that the Weights and Measures under Stat. 11 H. 7. New weights and measures ordained;  
c. 4. were found defective and not according to the old Laws;  
it is enacted, that the measure of a bushel contain viij. Gallons of  
Wheat, and that every Gallon contain viij. li. of Wheat of Troy

all others shall  
be destroyed.

Weight, and every Pound contain xij. Ounces of Troy Weight, and every Ounce xx. Sterlings, and every Sterling be of the Weight of xxxij. Corns of Wheat that grew in the midst of the ear of Wheat, according to the old Laws of this Land; and that it pleaseth the King to make a Standard of a Bushel and a Gallon after the said Assize, to remain in his Treasury for ever: and that every City, Borough, and Town which have or should have had by reason of the Statute of [11 H. 7. c. 4.] any of the New Bushels or Gallons, convey into every of the same City, &c. a Bushel and a Gallon newly to be made, there to remain; and all other Bushels, Gallons, and Measures, made after the form of this Act, be marked and ordered as directed by 11 H. 7. and that Act to stand in full strength with his Penalties upon the said Bushels and Gallons new to be made as it should have done upon the said new Bushels and Gallons made before the making of this present Act, if this Act had not been made: all old Bushels and Gallons of Brass to be damned and broken, upon pain of xx. li. upon every City, &c. having or keeping any other not broken or damned than is ordained to be made by this Act. 12 H. 7. c. 5.

There shall be  
but one weight,  
measure, and  
yard.

From henceforth there shall be but one Weight, one Measure, and one Yard, according to the Standard of the Exchequer throughout all the Realm, as well in places privileged as without; and that every Measure of Corn shall be striked without heap, on Penalty of 5s. on persons selling or buying by, or keeping any other Weight, Measure, or Yard; to be recovered before one Justice of Peace. 16 Car. 1. c. 19. s. 2.

The Statutes 35 G. 3. c. 102. § 1, 2. enabled Justices of the Peace in their Quarter Sessions to appoint one or more person or persons to examine Weights and Balances, with a Power to enter Shops, &c. and to seize defective and false Weights and Balances, and to destroy the same; and imposed a Penalty on persons having in their possession such defective and false Weights and Balances.

So much of re-  
cited act as re-  
quires the justices  
at quarter ses-  
sions to appoint

The Statutes 37 G. 3. c. 143. (to explain and amend the former Act), recites § 1 & 2 of 35 G. 3. c. 102. and that the said Act might be more conveniently executed, if some of the powers thereof were vested in the Justices of the Peace at their several and respective Petty Sessions; and that "it is expedient that certain other alterations should be made in the said Act:" and then enacts that, from and after the tenth day of July 1797, so much of the said recited Act as requires the Justices, at the Quarter Sessions of the Peace, to appoint persons to examine the

**Weights and Balances within their respective Counties, Ridings, Liberties, and Divisions, and which authorizes the persons so appointed to search for and examine all Weights and Balances, and to seize and destroy false or unequal Weights or Balances, and imposes a Penalty on the persons in whose possession the same shall be found, shall be and is hereby repealed; and that it shall and may be lawful to and for the Justices of the Peace, at their respective Petty Sessions, within the Divisions, Districts, and other places of the several Counties in England and Wales, to appoint one or more person or persons, who shall have power to examine the Weights and Balances within such Divisions, Districts, and other places respectively.**

persons to examine weights, &c. repealed, and justices at their petty sessions may appoint such examiners.

**If any person shall wilfully obstruct, hinder, resist, or in anywise oppose, any of the persons hereby authorized and empowered to view and examine such Weights and Balances in the execution of his Office, or if any person selling or retailing by Weight shall refuse to produce his or her Weights and Balances in order to be viewed and examined, he or she who shall so offend shall, for every such offence, on being duly convicted on Oath before any one or more Justices of the Peace, forfeit and pay any sum not exceeding Forty Shillings, nor less than Five Shillings, as the Justice or Justices before whom any such offender shall be convicted shall adjudge; and such Forfeiture or Penalty shall be levied and applied as herein-before directed. 35 G. 3. c. 102. s. 3.**

Penalty for obstructing inspectors, or refusing to produce weights, &c.

**It shall and may be lawful to and for the Justices at their said Quarter Sessions to allow to such person or persons, who shall be appointed to examine Weights and Balances under this Act, a reasonable Recompence or Satisfaction for their trouble in the execution of the said Office, such Recompence or Satisfaction to be paid to such person or persons out of the General County Rate. s. 4.**

Quarter sessions to allow a recompence to the inspectors out of the county rate.

**Provided always, that any person or persons convicted of an offence under this Act, and who shall suffer for the same under this Act, shall not be otherwise punished for such offence by virtue of any other Law or Statute of this Realm. s. 5.**

Persons punished under this act not to suffer by any other.

**Provided also, that this Act, or any thing herein contained, shall not extend or be construed to extend, to lessen or prevent the Authority which any person or persons, Bodies Politick or Corporate, or any person appointed at any Court Leet for any Hundred or Manor, may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights or**

Act not to lessen the authority of persons appointed at court leets.

Balances within their respective Jurisdictions, but that he, she, and they shall and may have and possess the same Power and Authority therein as if this Act had not been made. s. 6.

Justices to cause standard weights to be purchased out of the county rate, which shall be produced to persons paying the costs of production.

And for the more effectually carrying this Act into execution, be it further enacted by the Authority aforesaid, that it shall and may be lawful to and for the said Justices, and they are hereby empowered and required, as soon after the passing of this Act as may be convenient, to purchase or cause to be purchased, for the use of their respective Counties, Ridings, or Divisions, out of the general County Rate, proper Weights, according to the Standard in the Exchequer; which shall be deposited for the inspection of all persons, either with the respective Clerks of the Peace, or with some proper person, in such safe and convenient place or places, within their respective Counties, Ridings, or Divisions, as the said Justices shall direct; and shall be produced by the person or persons in whose Custody the same shall be lodged (upon reasonable notice) at such time and place as any person or persons shall, by writing under their respective Hands, require and appoint; the person or persons so requiring the production of the said Weights paying the reasonable Costs and Charges of producing the same. s. 7.

No person to be prosecuted unless information be given within a month.

Provided also, that no person or persons shall be prosecuted for any Offence against this Act, unless information thereof, upon Oath, shall have been given to some Justice of the Peace within one Month after the Offence committed. s. 8.

Public act.

By s. 9. the Act is declared to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, or other persons, without specially pleading the same.

Examiners, when directed by the justices, to visit shops, &c. and seize false weights, &c.

It shall and may be lawful to and for the person or persons so to be appointed as aforesaid, and they are hereby required (having first been sworn duly and faithfully to execute the Office in him or them reposed by virtue of such Appointment, and of this Act (which Oath such Justices are hereby authorized and empowered to administer), as often as the said Justices shall direct, in the day-time to enter into the Shop, Mill, House, Outhouses, and other Premises near to such Shop, Mill, or House, and into the Stall or Standing Place of any person or persons who sell by Retail and Weight any Wares, Provisions, Goods, or Chattels whatsoever, and then and there to search, for, view, and examine all Weights and Balances in such Shop, Mill, House, Outhouses, Premises, Stall, or Standing Place, and to seize any Weight or Weights, not being according to the



Standard in the Exchequer, or any false or unequal Balance or Balances, which shall, upon such Search, be found therein, and to detain the same, to be produced before the Justices in Petty Sessions as aforesaid, upon the Hearing of the Information or Informations hereinafter mentioned; and the Person or Persons in whose Shop, Mill, House, Outhouses, Premises, Stall, or Standing Place, any such defective Weight or Weights, or any such false or unequal Balance or Balances shall be found, against whom for such Offence or Offences an Information or Informations is and are hereby directed to be preferred shall, upon Conviction thereof in Petty Sessions as aforesaid, upon View or Confession, or upon the Oath of one or more credible Witness or Witnesses, forfeit and pay, for every such Offence, any Sum of Money not exceeding Twenty Shillings, nor less than Five Shillings, as the said Justices, before whom such person or persons shall have been convicted, shall in their Discretion order and adjudge, together with the Costs and Charges attending such Conviction; such Forfeiture, together with such Costs and Charges, to be levied by Warrant under the Hands and Seals of the said Justices, by Distress and Sale of so much of the Goods and Chattels of the Person or Persons offending, as shall be sufficient to pay the said Penalty, and also the Expences of making such Distress and Sale. 37 G. 3. c. 143. s. 2.

Penalty for  
having false  
weights, &c.

On the Conviction of such Offender or Offenders, the said Justices shall cause such defective Weight or Weights, or such false or unequal Balance or Balances, so produced before them, to be forthwith broken and rendered useless, and the Materials thereof to be sold, and the Money arising from such Sale, together with the Amount of the Forfeiture or Forfeitures, to be paid by them to the Treasurer of such County, Riding, or Division, to be by him applied towards the Expences of carrying the said recited Act and this Act into Execution, and the Residue (if any) on Account of the Public Stock of such County, Riding, or Division; and the said Justices shall also prepare, or cause to be prepared, Returns of the Forfeitures levied by them in pursuance of the said before-recited Act and of this Act, and also of the Sums arising from the Sale of such defective Weights and false and unequal Balances, and shall transmit such Returns, signed by them, to the Clerk of the Peace for such County, Riding, or Division, respectively, at every General Quarter Sessions of the Peace to be held for such County, Riding, or Division. s. 3.

Justices to cause  
false weights, &c.  
to be broken, and  
the produce of  
the materials  
and the forfeit-  
ures to be paid  
to the county  
treasurer, &c.

If the majority of inhabitants wish that any persons should be specially appointed examiners, they may, in vestry, nominate them for approbation of the justices :

Provided always, that if the Majority of the Inhabitants of any Parish, Township, or Place, within such County, Riding, or Division, should be desirous that any Person or Persons shall be specially appointed to examine the Weights and Balances within such Parish, Township, or Place, it shall and may be lawful for such Inhabitants, and they are hereby empowered (at a Vestry to be duly holden for that Purpose) to nominate one or more substantial Householder or Householders, to be approved of and appointed by the said Justices, at their respective Petty Sessions for the Division or District wherein such Parish, Township, or Place shall lie; which Person or Persons so nominated, approved, and appointed, shall have the same Powers and Authorities, within such Parish, Township, or Place, as are vested in the Person or Persons appointed for any District, Division, or Place respectively. s. 4.

But no such appointment shall be made till the inhabitants have procured standard weights, the costs of which, and the recompence to the examiners, to be paid out of the poor's rates.

Provided also, that no Appointment for such Parish, Township, or Place shall be made, until the Inhabitants thereof have procured, or caused to be procured, the proper Weights, according to the Standard in the Exchequer, for the Use of such Parish, Township, or Place, to be deposited in the Custody of the Person or Persons to be appointed as last mentioned; and that it shall and may be lawful for the said Justices, in their respective Petty Sessions, to order and direct the Costs and Charges of procuring such Weights, and the Recompence and Satisfaction to be allowed to such Person or Persons for his or their Time and Trouble in the Execution of such Office, within such Parish, Township, or Place, to be paid out of the Rate made for the Relief of the Poor within such Parish, Township, or Place. s. 5.

Powers of recited act (except hereby altered) to remain in force.

All the Clauses, Powers, and Provisions contained in the said recited Act (except such as are hereby repealed or altered) shall continue in force, in the same Manner as if the same were repeated and re-enacted in the Body of this present Act; any thing herein contained to the contrary thereof in anywise notwithstanding. s. 6.

Proceedings not to be removed.

No Proceedings to be had touching the Conviction of any Offender or Offenders against the said recited Act, or this Act, shall be removed by Writ of Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster. s. 7.

Justices to cause convictions to be made out in the following

The Justices of the Peace before whom any Offender shall be convicted as aforesaid, shall cause the said Conviction to be



rendered and remain wholly incompetent to be examined as Witnesses;" and then enacts, that from and after the 24th Day of June 1791, no person shall be an incompetent Witness by reason of a Conviction for Petty Larceny.

Inhabitants of parishes, &c. benefited by any conviction, may be witnesses,

if the penalty does not exceed £20.

Whereas by divers Acts of Parliament pecuniary Penalties inflicted for certain Offences, or parts of such Penalties, are directed to be applied for or to the Use of the Poor of the Parishes, Townships, or Places within which such Offences were committed: And whereas in divers of such cases the Parishioners or Inhabitants of such Parishes, Townships, or Places are not admissible Witnesses to prove the Perpetration of such Offences within such Parishes, Townships, or Places, by reason whereof it has been found difficult to bring Offenders to Justice; be it therefore enacted, that the Inhabitants of every Parish, Township, or Place shall be deemed and taken to be competent Witnesses for the purpose of proving the Commission of any Offence within the Limits of such Parish, Township, or Place, notwithstanding the Penalty incurred by such Offence, or any part thereof, is or may be given or applicable to the Poor of such Parish, Township, or Place, or otherwise, for the Benefit or Use or in aid or Exoneration of such Parish, Township, or Place. 27 G. 3. c. 29.

Nothing in this Act contained shall extend to any Action or Proceeding in which the Penalty or Penalties to be recovered shall exceed the Sum of Twenty Pounds. s. 2.

## **Women.**

(And see Title RAPE.)

### **§ 1.**

Taking away, against her will, any woman for the lucre of her substance, made felony.

3 Inst. 61.

1 Ventr. 243, 4.

2 And. 115.

12 Co. 100.

Cro. Car. 483, 5.

488. 492.

Hob. 182.

Kel. 81.

Item, where Women as well Maidens as Widows and Wives having substance, some in Goods moveable, and some in Lands and Tenements, and some being Heirs Apparent unto their Ancestors, for the lucre of such Substances been oftentimes taken by misdoers contrary to their will, and after married to such misdoers, or to other by their assent, or defoiled, to the displeasure of God and contrary to the King's Laws and disparagement of the said Women, and utter heaviness and discomfort of their Friends, and to the evil ensample of all other. It is therefore ordained, established, and enacted, that what person or persons from henceforth that taketh any Woman so against her will unlawfully, that is to say, Maid, Widow, or Wife that such taking, procuring, and abetting to the same, and also re-

ceiving wittingly the same woman so taken against her will, and knowing the same, be Felony; and that such misdoers, takers, and procurators to the same, and receitors knowing the said Offence in form aforesaid, be henceforth reputed and adjudged as principal Felons: Provided always, that this Act extend not to any person taking any Woman, only claiming her as his Ward or Bond Woman. 3 H. 7. c. 2.

The Statute 39 Eliz. c. 9. recites the substance of 3 H. 7. c. 2. and that albeit the same Offences be made Felony by that Act, yet forasmuch as Clergy had been thentofore allowed to such Offenders, divers persons had attempted and committed such Offences in hope of Life by the Benefit of Clergy; and then enacts, that all and every such person and persons as at any time thereafter, shall be convicted or attainted of or for any Offence made Felony by the said Act, or which shall be indicted and arraigned of or for any such Offence, and stand mute or make no direct answer, or shall challenge peremptorily above the number of twenty, shall in every such case lose his and their benefit of clergy, and shall suffer pains of death without any benefit of clergy, any former law to the contrary notwithstanding. s. 1.

This Act shall not extend to take away the benefit of clergy, but only from such person and persons as hereafter shall be principals, or procurers, or accessaries before such offence committed. s. 2.

Clergy saved to accessaries after the fact.

Where Maidens and Women, Children of Noblemen, Gentlemen and others, as well such as be Heirs Apparent to their Ancestors, and others having left to them by their Father or other Ancestors and Friends, Lands, Tenements, and Hereditaments, or other great substances in Goods and Chattels moveable, for and to the intent to advance them in Marriage somewhat like according to their degrees, and as might be most for their surety and comfort, as well for themselves as of their friends and kinsfolks, be unawares to their friends or kinsfolks, by flattery, trifling gifts and fair promises of unthrifty and light personages, and thereto by the intreaty of persons of lewd demeanor, that for rewards buy and sell such Maidens and Children, secretly allured and won to contract Matrimony with such unthrifty and light persons, and thereupon either with sleight or force oftentimes be taken and conveyed away from their parents, friends, or kinsfolks, to the disparagement of such children; which ungodly dealing, for lack of wholesome laws for redress thereof, remaineth a great mischief: For remedy whereof be it enacted, that it shall not be lawful to any person to take or convey away, or cause to be taken or conveyed

None shall take away any maiden within 16 years of age, without the consent of the father, guardian, &c.

3 Mod. 168, 9.  
4 Mod. 145.

Persons so taking away such maidens, shall be imprisoned two years and fined.  
2 Mod. 128.

Who may hear and determine offences.

### § 3.

Persons administering poison, &c. with intent to procure the miscarriage of any woman quick with child, ousted of clergy.

away, any Maid or Woman Child unmarried, being under the Age of 16 years, out of or from the possession, custody or governance, and against the will of the Father of such Maid or Woman Child, or of such person to whom the Father of such Maid or Woman Child by his last Will and Testament, or by any other act in his life-time, hath or shall appoint, assign, bequeath, give, or grant the order, keeping, education, or governance of such Maid or Woman Child; except such taking and conveying away as shall be had, made or done by or for such Person as without fraud or covin be or then shall be the Master or Mistress of such Maid or Woman Child, or the Guardian in Socage, or Guardian in Chivalry of or to such Maid or Woman Child. 4, 5 P. & M. c. 8. s. 1, 2.

If any person above the Age of fourteen shall unlawfully take or convey, or cause to be taken or conveyed any Maid or Woman Child unmarried, being within the Age of 16 years, out of or from the possession, and against the will of the Father or Mother of such Child, or out of or from the possession and against the will of such person or persons as then shall happen to have by any lawful ways or means the order, keeping, education, or governance of any such Maiden or Woman Child that then every such person or persons so offending, being thereof lawfully attainted or convicted by the order and due course of the laws of this Realm, (other than such of whom such person taken away shall hold any Lands or Tenements by Knights service), shall suffer imprisonment of his or their Bodies by the space of Two whole Years, without Bail or Mainprize, or else shall pay such Fine for his or their said Offence as shall be assessed by the Queen's Council, her Heirs or Successors, to be assessed in the Star Chamber, s. 3.; a Moiety to the Crown and the other Moiety to the Informer. s. 4.

Justices of Assize by Inquisition or Indictment may hear and determine the said Offences. s. 5. And by s. 6. if any Woman above 12 and under 16 Years of Age, consent to such contract of Marriage contrary to the Statute, the next of Kin shall inherit her Lands, Tenements, and Hereditaments during her Life.

The Statute 43 G. 3. c. 58. (1) enacts that if any person or persons, from and after 1st July 1808, shall, either in England or Ireland, wilfully, maliciously, and unlawfully administer to, or cause to be administered to or taken by any of his Majesty's Subjects, any deadly Poison, or other noxious and destructive

(1) See this Act at length under title ASSAULT, I. s. 2.



substance or thing, with intent such his Majesty's Subject or Subjects thereby to murder, or thereby to cause and procure the Miscarriage of any Woman then being quick with Child, that then and in every such case the person or persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall be and are hereby declared to be Felons, and shall suffer Death as in cases of Felony without Benefit of Clergy.

By s. 2. it is recited, that "whereas it may sometimes happen that Poison, or some other noxious and destructive substance or thing may be given, or other means used, with intent to procure Miscarriage or Abortion where the Woman may not be quick with Child at the time, or it may not be proved that she was quick with Child," and enacted, that if any person or persons, from and after 1st July 1803, shall wilfully and maliciously administer to, or cause to be administered to or taken by any Woman, any Medicines, Drug, or other substance or thing whatsoever, or shall use or employ, or cause or procure to be used or employed, any Instrument or other means whatsoever, with intent thereby to cause or procure the Miscarriage of any Woman not being, or not being proved to be quick with Child at the time of administering such things or using such means, that then and in every such case the person or persons so offending, their Counsellors, Aiders, and Abettors, knowing of and privy to such Offence, shall be and are hereby declared to be guilty of Felony, and shall be liable to be fined, imprisoned, set in and upon the Pillory (1), publicly or privately whipped, or to suffer one or more of the said Punishments, or to be transported beyond the Seas for any term not exceeding Fourteen Years, at the discretion of the Court before which such Offender shall be tried and convicted.

If such woman be *not quick* with child, the offender shall be transported for any term not exceeding 14 years or imprisoned, &c.

## **Woods.**

If any person or persons shall unlawfully and maliciously cut down or otherwise destroy any Trees planted in any Avenue, or growing in any Garden, Orchard, or Plantation for ornament, shelter, or profit, or shall forcibly rescue any person being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned; or if any person or persons shall,

Persons maliciously cutting down, &c. any trees growing in any avenue, garden, &c.; or forcibly rescuing such offenders;

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(1) This part of the punishment is repealed by the general enactment of Stat. 56 G. 3. c. 138. which see under title PILLORY.

or procuring  
others to join  
them in any such  
acts, declared  
guilty of felony  
without clergy.

by Gift or Promise of Money or other Reward, procure any of his Majesty's Subjects to join him or them in any such unlawful Act, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in cases of Felony, without Benefit of Clergy. 9 G. 1. c. 22. s. 1.

By s. 4, 5. Offenders not surrendering themselves after Proclamation, and Persons concealing Offenders after the time appointed for such surrender, are also ousted of Clergy.

By s. 14. Offenders may be tried in any County in England, and Corruption of Blood is saved.

[See the above Act at length under title BLACK ACT.]

The above Act is made perpetual by 31 G. 2. c. 42.

The Statute 1 G. 1. st. 2. c. 48. after providing that if any person shall maliciously break down, cut up, pluck up, throw down, bark, or otherwise destroy, deface, or spoil any Timber Tree or Trees, Fruit Tree or Trees, or any other Tree or Trees, the Party injured shall recover Damages against the Inhabitants of the Parish, Vill, &c. or Place where such Tree, &c. shall be so maliciously broken down, &c. in the same manner and form as Damages are to be yielded for Hedges and Dikes overthrown by Persons in the Night by Stat. 13 Ed. 1. st. 1. c. 46.; and providing (s. 2.) for the Conviction and Punishment of the Offenders for the Trespasses and Offences aforesaid, by two or more Justices of the Peace in or out of Sessions; and reciting (by s. 4.) that "whereas divers Woods, Underwoods, and Coppices have been heretofore and lately set on Fire or burnt, to the great Discouragement of Planting;" then enacts and *declares*, that if any person or persons shall, from and after 24th June 1716, maliciously set on Fire or burn, or cause to be burnt, any Wood, Underwood, or Coppice, or any Part thereof, such malicious setting on Fire, burning, or causing to be burnt, shall be and is hereby declared and made Felony; and the Offender and Offenders shall suffer and be liable to all the Penalties and Forfeitures as other Felons by the Law now are.

Maliciously to  
set on fire or  
burn any wood,  
underwood, or  
coppice, declared  
to be felony.

If trees growing  
in certain inclo-  
sures be cut, &c.  
or destroyed,  
damages shall be  
recovered against

The Statute 29 G. 2. c. 86., which enables the Proprietors of Wastes, Woods, and Pasture, wherein any others have Common of Pasture, with the Assent of the major part in number and value of the Owners, &c. to inclose the same for the growth and preservation of Timber or Underwood, and gives an Appeal in certain cases to the party grieved, enacts, (s. 6.) that if any person from and after the time hereby limited for bringing such Appeal against any such Agreement for the Inclosure of any part of such Wastes, Woods, or Pastures, shall either by Day

or by Night unlawfully cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any Trees growing within any such Inclosure without the Consent of the Owner or Owners thereof, such Owner or Owners shall have such remedy, and have and receive such recompence and satisfaction of and from the Inhabitants of the Parishes, Towns, Hamlets, Villages, or places adjoining to such Inclosures, and recover such Damages against the Inhabitants of such Parishes, Towns, Hamlets, Villages, or places adjoining, and in the same manner and form as is directed for Dikes and Hedges overthrown, by the said Act made 13 Ed. 1. unless the Offender or Offenders shall be convicted of such Offence within Six Months next after the Commission thereof. By s. 7. it shall and may be lawful to and for any Two Justices of the Peace of the County, &c. wherein such Offence shall be committed, or for the Justices of the Peace for such County, Riding, Division, City, Town, Liberty, or Place, in open Sessions, upon Complaint to them made, to cause every such Offender to be apprehended for such Trespass, and to hear and determine the same, and to inflict the like Penalty and Punishment on every Offender by them convicted as is directed to be inflicted on Offenders by Statute 6 G. 1. c. 16. which see post, page 1185.

the adjoining parishes, &c. except the offender be convicted.

Justices in session may determine such offences.

If any Person from and after 1st July 1756, shall unlawfully cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any Tree growing in any Waste, Wood, or Pasture, in which any Person or Persons, or Body or Bodies Politic or Corporate, hath or have Right of Common, every such person shall and may be in like manner convicted of such Offence, and shall incur the like Penalty. s. 8.

Punishment of persons committing like offences on commonable ground.

By s. 9. it shall be lawful for any Person or Body Politic or Corporate to take remedy for the before-mentioned Damages, either against the Parish, Town, Hamlet, Vill, or place where any of the said Offences shall be committed, according to the powers given by s. 7. of 9 G. 1. c. 22. or on the Hundred wherein any of the said Offences shall be committed, as to such Person or Body Politic or Corporate shall seem most meet.

Remedy for such damages may be taken either according to 1 G. 1. st. 2. c. 8. and 6 G. 1. c. 16. or against the hundred.

The Statute 6 G. 3. c. 36., which is intituled "An Act for encouraging the cultivation and for the better preservation of Trees, Roots, Plants, and Shrubs," reciting that "divers persons have of late years wilfully and maliciously cut down, barked, or otherwise destroyed Timber Trees and Trees standing for and likely to become Timber, growing as well in the several Forests, Chases, and other open Grounds, as in the Woods and

Persons in the night cutting down, &c. or destroying timber trees, or plucking up, &c. any plants, &c. in any inclosed grounds, shall be guilty of felony;

and may be transported for seven years.

Aiders and receivers shall also be guilty of felony.

Plantations and inclosed Grounds within this Kingdom, to the great detriment of the Owners of such Trees, and to the discouragement of Planting in general, so beneficial to Great Britain: And whereas the disposition of Nurserymen to improvements in Planting and Gardening through Great Britain is also of great use to the Public, and many Nurserymen, Gardeners, and others have collected and cultivated at great expence Roots, Shrubs, and Plants of every Country, and imported, cultivated and exported great quantities thereof, and do thereby support themselves and many others of his Majesty's Subjects; and whereas many evil disposed persons, well knowing the value of such Roots, Shrubs, and Plants, have of late years frequently entered into Nurseries, Gardens, and other inclosed Grounds in general, and of the Nurserymen and Gardeners in particular, and have dug up, taken, or carried away out of such Nurseries, Gardens, and Grounds, Roots, Shrubs, and Plants, and likewise destroyed others on the spot, to a very considerable value;" and then enacts, that from and after 2d June 1766, all and every person and persons who shall in the Night-time lop, top, cut down, break, throw down, bark, burn, or otherwise spoil or destroy, or carry away any Oak, Beach, Ash, Elm, Fir, Chesnut, or Asp Timber Tree, or other Tree or Trees standing for Timber or likely to become Timber, without the Consent of the Owner or Owners thereof first had and obtained, or shall in the Night-time pluck up, dig up, break, spoil or destroy, or carry away any Root, Shrub, or Plant, Roots, Shrubs, or Plants, of the value of Five Shillings, and which shall be growing, standing, or being in the Garden Ground, Nursery Ground, or other inclosed Ground of any person or persons, shall be deemed and construed to be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in cases of Felony; and the Court by and before whom such person or persons shall be tried, shall and hereby have Authority to transport such person or persons for the space of Seven Years to any of his Majesty's Plantations in America, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and all and every person and persons who shall be wilfully aiding, abetting, or assisting in such cutting down, breaking, throwing down, barking, burning, or otherwise spoiling or destroying, or carrying away any such Oak, Beach, Ash, Elm, Fir, Chesnut, or Asp Timber Tree, or other Tree or Trees standing for Timber or likely to become Timber as aforesaid, or in such plucking up, digging up, cutting, breaking, spoiling or destroying, or carrying away such Root, Shrub, or

Plant, Roots, Shrubs, or Plants as aforesaid, of the value aforesaid, or who shall buy or receive such Root, Shrub, or Plant, Roots, Shrubs, or Plants of the value aforesaid, knowing the same to be stolen, shall be subject and liable to the same Punishment as if he, she, or they had stolen the same, any Law to the contrary in anywise notwithstanding.

The Stat. 6 G. 3. c. 48. recites that the preservation of Timber Trees, or Trees likely to become Timber, is of great consequence to this Kingdom; and then enacts, that from and after 24 June 1766, every person who shall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away any Timber Tree or Trees, or Trees likely to become Timber, or any Part thereof, or the Lops or Tops thereof, without the consent of the Owner or Owners thereof first had and obtained, or in any of his Majesty's Forests or Chases, without the Consent of the Surveyor or Surveyors, or his or their Deputy or Deputies, or person or persons intrusted with the care of the same, and shall be thereof convicted before any Justice of the Peace, &c. shall forfeit for the first Offence a sum not exceeding £20, &c.; for a second Offence not exceeding £30, &c.; and if any person so convicted shall be guilty of the like Offence a third time, and shall be thereof convicted in like manner (1), such person shall be deemed guilty of Felony, and the Court by and before whom such person shall be tried, shall and hereby hath authority to transport such person or persons for the space of Seven Years to any of his Majesty's Plantations in America, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm. s. 1.

Persons cutting &c. timber trees, shall for the third offence be guilty of felony.

All Oak, Beech, Chesnut, Walnut, Ash, Elm, Cedar, Fir, Asp, Lime, Sycamore, and Birch Trees, shall be deemed and taken to be Timber Trees, within the true meaning and provision of this Act. s. 2.

What shall be deemed timber trees.

The Stat. 13 G. 3. c. 33. recites s. 1. & 2. of the foregoing Act, 6 G. 3. c. 48. and that "doubts have arisen since the passing of the said Act, whether Trees shall be deemed and taken to be Tim-

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(1) Mr. Burn, vol. 4. tit. Wood, s. 7. observes that the Words "in like manner" here are inserted by mistake, for it could not be intended that a Justice of Peace should have power of transporting a man; but he observes that the Word *Court*, which afterwards follows, and which, as it seems by other parts of the Act, means the Assises or Sessions, implies a legal Trial by Jury. Perhaps those Words were intended only to mean *by the like Evidence*.

Poplar, alder, larch, maple, and hornbeam declared to be timber trees.

ber Trees other than such as are declared so to be in the said Act;" and then, "for the better preservation of the several useful and valuable Timber Trees hereafter mentioned, casually omitted to be mentioned in the said Act," enacts, that the Trees called Poplar, Alder, Larch, Maple, and Hornbeam shall also be deemed and taken to be Timber Trees immediately after 1 May 1773; and all and every person or persons who shall after 1 May 1773, wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away any Poplar, Alder, Larch, Maple, and Hornbeam, or any part thereof, or the Lops or Tops thereof, without the consent of the owner or owners thereof first had and obtained (1), or of some person intrusted with the care of such Tree or Trees, such person or persons shall, if found guilty of any Offence or Offences, be convicted in like manner as persons are directed so to be for Offences of the like kind concerning Trees deemed Timber Trees in the above in part recited Act, and upon such Conviction or Convictions, shall be liable to all and every the Penalties, Forfeitures, and Punishments therein inflicted for any such like Offence or Offences: and all and every Justice and Justices of the Peace is and are hereby authorized, on complaint made to him or them of any Offence or Offences, to administer Oaths, and to proceed in like manner to Conviction and Punishment of every Offender against this Act, as fully and effectually as if the said Trees hereby declared, deemed, and taken to be Timber Trees, had been expressly so deemed and declared to be in the said Act [6 G. 3. c. 48.]; and such Conviction and Convictions shall be certified by the Justice or Justices before whom the same shall be made to the next Quarter Sessions of the Peace to be holden for the County wherein such Offence or Offences were committed, in the form of words, or to that effect, directed by the said Act; and all and every the Forfeitures for Offences against this Act shall be paid and applied in the manner Forfeitures are directed to be paid in the said recited Act.

Persons plucking, &c. roots or plants out of fields, nurseries, &c. shall for a third offence be guilty of felony.

The third section of 6 G. 3. c. 48. recites that many idle and disorderly persons have of late years made a practice of plucking or digging up, cutting, spoiling or destroying and taking or carrying away, divers and sundry sorts of Roots, Shrubs, and

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(1) In this Clause the Words "or in any of his Majesty's Forests or Chaces, without the Consent of the Surveyor or Surveyors, or his or their Deputy or Deputies," which are to be found in s. 1. of 6 G. 3. c. 48. are omitted.



Plants, (many of which are of great value) out of the Fields, Nurseries, Gardens, and Garden Grounds, and other cultivated Lands of divers of his Majesty's Subjects; and then enacts, that from and after 24 June 1766, all and every person who shall pluck up or cut, spoil, or destroy, or take or carry away, any Root, Shrub, or Plant, Roots, Shrubs, or Plants, out of the Fields, Nurseries, Gardens, or Garden Grounds, or other cultivated Lands of any person or persons whomsoever, without the consent of the Owner or Owners thereof first had and obtained, and shall be thereof convicted before one Justice of the Peace, &c. shall forfeit for the first Offence not exceeding Forty Shillings, &c., for the second Offence not exceeding £5.; &c.; and if any person, so before convicted, shall a third time commit the like Offence, and shall be thereof convicted, such person so convicted shall for such third Offence be deemed guilty of Felony, and the Court before whom such person shall be tried shall and hereby hath authority to transport such person for the space of Seven Years to any of his Majesty's Plantations in America, in like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

The Statute 6 G. 1. c. 16. reciting that “divers lewd, lawless, Hist. P. C. 1054. turbulent, and disorderly persons and others, sometimes in an open, riotous, and tumultuous manner, and at other times in a clandestine, malicious, and private manner, do (without the consent of the Owners) enter the Woods, Wood Grounds, Coppices, Plantations, Parks, and Chaces of divers Lords of Manors and other Owners and Proprietors thereof, and make great havoc and destruction by cutting down, breaking, throwing down, barking, plucking up, defacing, spoiling, taking, or carrying away the Wood or Springs of Wood, Poles, Woods, Tops of Trees, Fruit Trees, Thorns, Quicksets, and Underwoods there growing or being, and also by breaking open, throwing down, levelling, or destroying the Hedges, Gates, Posts, Stiles, Railing, Fences, Ditches, Banks, Walls, or other Inclosures of such Woods, Wood Grounds, Parks, Chases, or Coppices, and the Offenders therein being not discovered, pass with impunity, to the great discouragement of all Owners, Planters, and Preservers of Wood, and to the great Wrong and Injury of such Lords of Manors and other Owners and Proprietors of such Woods, Wood Grounds, Parks, Chases, Coppices, Plantations, Timber Trees, Fruit Trees, or other Trees, Thorns, or Quicksets;” and that “some doubts have arisen whether the Offences committed in the day-time, mentioned in an Act [1 G. 1. st. 2.

Owners of trees, hedges, &c. cut down, spoiled, &c. either by day or by night, shall recover satisfaction from the inhabitants in like manner as for dikes, &c. overthrown in the night is given by the stat. 13 Ed. 1. st. 1. c. 46.

c. 48.] are punishable by the said Act ;” and that “ there is no Provision made in the said Act for punishing the Offences committed by persons who shall break open, throw down, level, or destroy the Hedges, Gates, Posts, Stiles, Railing, Fences, Ditches, Banks, Walls, or other Inclosures of such Woods, Wood Grounds, Plantations, and Coppices ;” then, “ for the explaining and amending of the said Act, and for remedying the several Mischiefs herein-before mentioned, and for the better preserving of all such Wood Springs or Springs of Wood, Poles, Quicksets, Plantations, Underwoods, Coppice Woods, Gates, Posts, Stiles, Railing, Fences, Hedges, Walls, and other Inclosures of Woods, from being unlawfully cut, taken, spoiled, broken, burnt, destroyed, defaced, or carried away ; and for the better discovering and more effectual Punishment of such Offenders therein, their Aiders and Abettors, and for the providing Satisfaction for the Damages the respective Proprietors thereof shall sustain thereby,” enacts, that if any person or persons whatsoever, after 24th June 1720, shall either by Day or by Night cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any Wood Springs or Springs of Wood, Trees, Poles, Wood, Tops of Trees, Underwoods, or Coppice Woods, Thorns, or Quicksets, without the consent of the Owner or Owners of such Woods, Wood Grounds, Parks, Chases, or Coppices, Plantations, Timber Trees, Fruit Trees, or other Trees, Thorns, or Quicksets, or of the person chiefly intrusted with the Care and Custody thereof, or shall break open, throw down, level, or destroy any Hedges, Gates, Posts, Stiles, Railing, Walls, Fences, Dikes, Ditches, Banks, or other Inclosures of such Woods, Wood Grounds, Parks, Chases, or Coppices, Plantations, Timber Trees, Fruit Trees, or other Trees, Thorns, or Quicksets, such Lords of Manors, Owners, and Proprietors of the same, that is, are, shall, or may be damaged thereby, shall have such Remedy, and have and receive such Satisfaction and Recompence of and from the Inhabitants of the Parishes, Towns, Hamlets, Villages, or Places adjoining on such Wood Springs or Springs of Wood, Wood Grounds, Parks, Chases, or Coppices, and recover such Damages against the Parish, Town, Hamlet, Vill, or Place, Parishes, Towns, Hamlets, Villages, or Places aforesaid, and in the same Manner and Form, as for Dikes and Hedges overthrown by persons in the Night, or at another season when they suppose not to be espied, as in and by an Act [13 Ed. 1. st. 1. c. 46.] is set forth and provided, unless the Party or

Parties so offending shall by such Parish, Town, Hamlet, Vill, or Place, Parishes, Towns, Hamlets, Villages, or Places, be convicted of such Offence within the Space of Six Months from the committing of such Offence or Offences; any Law or Construction to the contrary in anywise notwithstanding. s. 1.

By s. 2. it is further enacted and *declared*, that if any Person or Persons at any time or times after the said 24th June, in a riotous, open, tumultuous, or in a secret and clandestine manner, forceably or wrongfully and maliciously, and without the consent of the Proprietor, Wood Reeve, Wood Keeper, or Person chiefly intrusted with the Care, Oversight, and Custody of such Woods, Wood Grounds, Parks, Chases, Coppices, or Plantations, shall cut down, destroy, break, bark, throw down, burn, take, deface, spoil, or carry away any Wood or Springs of Wood, Underwood, or Coppice Wood, or shall in such a riotous, forceable, tumultuous, secret or clandestine Manner as aforesaid, maliciously break open, throw down, level, or destroy any Hedges, Gates, Posts, Stiles, Rails, Fences, Ditches, Banks, or Inclosures of such Woods, Wood Grounds, Coppices, Plantations, Timber Trees, Fruit Trees, or other Trees, Thorns, or Quicksets, that then it shall and may be lawful to and for any two or more Justices of the Peace of the County, Riding, Division, City, Town, Borough, or Corporation wherein any such Offence or Offences shall be committed, or for the Justices in open Sessions, upon Complaint to them made by any Inhabitant of the aforesaid Parish, Hamlet, Vill, or Place, or of the Owner of such Tree or Trees, Woods, Wood Grounds, Parks, Chases, Coppices, or Plantations, or of any other, to cause such Offender or Offenders to be apprehended for the Trespasses and Offences aforesaid, or any of them, and to hear and finally determine and adjudge all and every the Offence and Offences aforesaid; and if such Justices shall convict any person or persons of all or any the Trespasses and Offences aforesaid, then such Justices immediately after such Conviction shall and are hereby required to inflict all and every the same Penalties and Punishments in the said Act of the first Geo. 1. (1) herein-before mentioned, as fully and largely and in the same manner, for all and every the Crimes and Offences herein-before expressed, although not contained in the said Act, as if the same were here again repeated and re-enacted.

Offenders injuring woods, underwoods, coppices, &c. or the hedges, fences, ditches, rails, &c. inclosing the same, shall be punished as under 1 G. 1. st. 2. c. 48. s. 2.

(1) By that Statute Offenders convicted shall be committed to the House of Correction, there to continue and be kept at hard Labour for Three Months without Bail or Mainprize, and where there is no

## Wool.

The Statute 28 G. 3. c. 38. intituled “ An Act to explain, amend, and reduce into one Act of Parliament, several Laws now in being for preventing the Exportation of live Sheep, Rams, and Lambs, Wool, Woolfels, Mortlings, Shortlings, Yarn, and Worsted, Cruels, Coverlids, Waddings, and other Manufactures, or pretended Manufactures, made of Wool slightly wrought up or otherwise put together, so as the same may be reduced to and made use of as Wool again, Mattrasses or Beds stuffed with combed Wool, or Wool fit for combing, Fullers Earth, Fulling Clay, and Tobacco Pipe Clay, from this Kingdom, and from the Isles of Jersey, Guernsey, Alderney, Sark, and Man, into Foreign Parts; and for rendering more effectual an Act [23 H. 8. c. 17.] intituled “ An Act for the winding of Wool,” recites that the several Acts of Parliament now in force for preventing and prohibiting the Exportation of live Sheep, Rams, and Lambs, Wool, Woolfels, Mortlings, Shortlings, Yarn, or Worsted made of Wool, Wool-flocks, Cruels, Coverlids, Waddings, or other Manufactures, or pretended Manufactures, made of Wool slightly wrought up, or otherwise put together, so as the same may be reduced to and made use of as Wool again, Mattrasses or Beds stuffed with combed Wool, or Wool fit for combing or carding, Fuller’s Earth, Fulling Clay, or Tobacco Pipe Clay, from and out of this Kingdom, and the Isles of Jersey, Guernsey, Alderney, Sark, and Man, into Foreign Parts; and the Regulations and Restrictions made and specified in the said several Acts have in many Respects been found insufficient to answer the good Purposes intended thereby: And that it would tend more effectually to prevent the Exportation of the said several Articles, if the said Acts, or so much thereof as concern the said several Articles, were repealed; and such and so many of the Powers, Provisions, Regulations, and Restrictions therein contained, with such Amendments and Additions as may be expedient and requisite for effecting the above-mentioned

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House of Correction, such Offenders shall be committed to such Prison as is appointed for other Criminals, there to continue for Four Months, and to be publicly whipped once every Month during such Three Months, or in the next Market Town adjacent to such House of Correction, or in the Market Town where such House of Correction stands, and where there is no House of Correction the Offender shall be publicly whipped by the Common Hangman or Executioner once every Month during such Four Months on a Market Day of any Borough, &c. where such Offender is convicted, or on the Market Day of some Town. See s. 2. of the Act.

important Purpose, were comprized in one Act: and then enacts, that all and singular the several Acts of Parliament now in force, or so much thereof as relate in any manner to the carrying Coastwise, or to the said Isles, or any of them, or to prevent the Exportation of the following Articles, Goods, or Commodities; (that is to say), Live Sheep, Rams and Lambs, Wool, Woolfels, Mortlings, Shortlings, Yarn or Worsted made of Wool, Woolflocks, Cruels, Coverlids, Waddings, or other Manufactures, or pretended Manufactures, made of Wool slightly wrought up, or otherwise put together, so as the same may be reduced to and made use of as Wool again, or Mattrasses or Beds stuffed with combed Wool, or Wool fit for combing or carding, or any Fuller's Earth, Fulling Clay, or Tobacco Pipe Clay, except so much of an Act of Parliament, passed in the Ninth and Tenth Years of the Reign of his late Majesty King William the Third [9, 10 W. 3. c. 40.] as relates to Wool shorn, laid up or lodged within Ten Miles of the Sea Side, within the Counties of Kent or Sussex, or either of them, or to any person or persons residing within Fifteen Miles of the Sea in the said Counties of Kent or Sussex, shall be and the same are hereby repealed; and that from and after the passing hereof, this Act, and all the Powers, Provisions, and Regulations herein contained, respecting all or any of the before enumerated Articles, Goods, or Commodities, shall commence, take effect, and be in force, in such Manner as are herein-after mentioned. s. 1.

All acts in force, in as far as they relate to the carrying coastwise, &c. or to the Exportation of live sheep, rams, lambs, wool, woolfels, &c. or other woollen manufactures, repealed.

All and every Person and Persons who shall, from and after the passing of this Act, directly or indirectly carry, export, transport, or otherwise convey, or cause or procure to be carried, exported, transported, or otherwise conveyed, out of the Kingdom of Great Britain, or out of or from the said Isles of Jersey, Guernsey, Alderney, Sark, and Man, or out of or from any of them, into any Parts or Places out of the Kingdom or Isles aforesaid, any Wool whatsoever of the Growth of the Kingdom or of the Isles aforesaid, or any Woolfels, Mortlings, Shortlings, Yarn or Worsted made of Wool, Woolflocks, Cruels, Coverlids, Waddings, or other Manufactures, or pretended Manufactures, made of Wool slightly wrought up, or otherwise put together so as the same may be reduced to and made use of as Wool again, or Mattrasses or Beds stuffed with combed Wool, or Wool fit for combing or carding, or any Fuller's Earth, Fulling Clay, or Tobacco Pipe Clay, and also all and every Owner and Owners of any Ship or other Vessel, and all and every Owner and Owners of every Horse or other Beast of

Persons conveying wool, etc. out of Great Britain or Jersey, etc. owners, etc. of ships, carts, horses, etc. or revenue officers, exporting, or assisting in the exportation of sheep, wool, etc. liable to penalties.

Burthen, Waggon, Cart, or Carriage, upon which any Sheep, Wool, or other Articles before enumerated, and hereby prohibited from Exportation, shall be exported, transported, carried or conveyed, packed or loaded, with an Intent to be exported, knowing thereof, and being actually aiding, assisting, or consenting thereunto, and also every Master and Commander and Mariner of or in such Ship or other Vessel wherein any such Wool or other Articles aforesaid, and which are hereby prohibited from being exported, shall be so exported, transported, carried or conveyed, or loaden or laid on board as aforesaid, with any such Intent or Purpose as aforesaid, knowing thereof, and being actually aiding, assisting, or consenting thereunto, and also every Factor or Servant, or other Person whatsoever, and every Collector, Customer, Comptroller, Waiter, Searcher, Surveyor, or other Officer or Officers whomsoever, knowing thereof, and being actually aiding, assisting, or consenting thereunto, and who shall be thereof convicted, shall forfeit and pay for the First Offence Three Shillings for every Pound Weight of such Wool, or other the aforesaid enumerated Articles, which are hereby prohibited from being exported, or the Sum of Fifty Pounds of lawful Money of Great Britain in the whole, at the Election of the Person or Persons who shall sue for the same, and shall also suffer solitary Imprisonment in the Common Gaol or House of Correction of the County, Riding, Division, Shire, or Stewartry wherein such Offender or Offenders shall be respectively convicted, for the Space of Three Calendar Months, without Bail or Mainprize, and until the Penalty in which he, she, or they shall be convicted shall be paid, so as the Whole of such Imprisonment for the Nonpayment of such Penalty shall not exceed the Space of Twelve Calendar Months; and in case of a further Conviction for or upon a Second or other subsequent Offence of the same Kind, the Person or Persons so again offending shall, upon every Second or other subsequent Conviction, forfeit and pay Three Shillings for every Pound Weight of such Wool and other Articles hereinbefore mentioned, and which are hereby prohibited from being exported, or the Sum of Fifty Pounds of lawful Money of Great Britain, at the Election of the Person or Persons who shall sue for the same, and shall also suffer solitary Imprisonment in the Common Gaol or House of Correction of the County, Riding, Division, Shire, or Stewartry, wherein such Offender or Offenders shall be respectively convicted, for the Space of Six Calendar Months, without Bail or Mainprize, and until the Penalty in which he, she, or they shall be convicted shall be



paid, so as the whole of such Imprisonment for the Nonpayment of the Penalty which shall be incurred by such Second or other subsequent Offence, shall not exceed the Space of Two Years; all which said several Forfeitures shall be for the Benefit of the Person or Persons who shall sue for the same; and the said Wool, and other the said herein-before enumerated Articles, which shall be packed, loaded, removed, carried, conveyed, or shipped, with Intent to export the same, otherwise than under and according to the Restrictions and Regulations, and subject to the Powers and Exceptions herein-after mentioned and expressed, shall, together with the Ship, Vessel, Bottom or Boat, Waggon, Cart, and other Carriage, Horses or other Beasts, on or by which any of the said hereby prohibited Articles shall happen to be so loaded, carrying or conveying, shall be liable to be seized, and shall become forfeited for the Benefit of the Person or Persons who shall seize the same. 28 G. 3. c. 38. s. 9.

Forfeitures to go to the persons suing for them.

Wool, etc. conveyed contrary to this act, with the vessel, etc. to be forfeited.

If any persons, to the number of three or more, armed with Fire Arms or other offensive Weapons, shall hereafter within *Great Britain*, or within the Limits of any Port, Harbour, or Creek thereof, or within the *Isle of Man*, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal Exportation of Wool or other Goods prohibited to be exported; or in the carrying of Wool or other such Goods in order to such Exportation; or in the illegal running, landing, or carrying away prohibited or uncustomed Goods, or Goods liable to pay any Duties which shall not have been paid or secured; or in the illegal relanding of any Goods whatsoever, which shall have been shipped or exported upon Debenture or Certificate, or from any Warehouse wherein such Wool or other Goods shall have been deposited under any Act of Parliament for the securing the Home Consumption Duties thereon; or in rescuing or taking away any such Wool or other Goods as aforesaid after Seizure from any Officer or Officers of the Customs or Excise, or other Officer or Officers authorized to seize the same, or other Person or Persons employed by him or them, or assisting him or them, or from the Place where the same shall have been lodged by him or them; or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by any Act relating to the Revenues of Customs or Excise of Great Britain, or in preventing the apprehending any Person who shall have been guilty of any such Offence; or in case any persons, to the number of three or more, so armed as aforesaid, shall hereafter

Persons being armed and assisting in the illegal exportation of wool, or the illegal running, etc. of prohibited or uncustomed goods, or rescuing such wool or other goods, or the party offending, or shooting at any vessel or person, declared guilty of felony without clergy.

within Great Britain, or within the Limits of any Port, Harbour, or Creek thereof, or within the Isle of Man, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting; or if any person shall maliciously shoot at or upon any Ship, Vessel, or Boat belonging to his Majesty's Navy, or in the Service of the Customs or Excise, within the Limits of any Port, Harbour, or Creek of Great Britain, or within the Isle of Man, or within the Limits of any Port, Harbour, or Creek thereof, or in any Port of the British or Irish Channels, or on the High Seas within One hundred Leagues of the Coast of Great Britain or Ireland; or if any person shall, either on Shore or on the Water, within the Limits last aforesaid, maliciously shoot at, maim, or dangerously wound any Officer or Officers of His Majesty's Army, Navy, (1) Marines, Militia, or Volunteers, or any other His Majesty's Military or Naval Forces, or of the Customs or Excise (1), or any other person or persons aiding or assisting any such Officer or Officers when acting in the due Execution of his or their Duty under any of the Powers, Authorities, or Provisions of any Act relating to the Revenues of Customs or Excise of Great Britain, or of any Act for the Prevention of Smuggling; every person so offending, and every person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy; and every such Offence which shall be committed within any Port, Harbour, Creek, Haven, or Roadstead of Guernsey, Jersey, Alderney, Sark, or Man respectively, the same may and shall be enquired of, tried, and determined in the said Islands respectively; and every such Offence committed elsewhere out of the United Kingdom may and shall be enquired of, tried, and determined in any County of the United Kingdom; and every such Offence committed within England, Scotland, or Ireland respectively, may and shall be enquired of, tried, and determined within such Part of the said United Kingdom in which such Offence shall have been respectively committed, but in any County or Shire of such Part of the said United Kingdom, in such Manner and Form as if the Offence had been committed in the County or Shire in which the same shall be enquired of, tried, and determined. 52 G. 3. c. 143. s. 11. (2)

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(1) See s. 15. ante of Stat. 24 G. 3. st. 2. c. 47. (title *REVENUE*, § 1.) by which to *hinder, oppose, obstruct, or assault* any Officer in the Navy, or in the Service of the Customs or Excise, is a Misdemeanor only.

(2) That part of the above section which relates to *shooting* appears to be a virtual repeal of s. 11. of Stat. 24 G. 3. st. 2. c. 47. (which

If any person shall be charged by information on Oath before any Justice of the Peace, or other person competent to take such information in any part of the United Kingdom, with being guilty of so assembling, aiding, or assisting, or of so maliciously shooting, maiming, or wounding as aforesaid, within the limits herein-before respectively specified, in any case wherein any such Officer as aforesaid, or any person aiding or assisting any such Officer in the execution of his Duty as aforesaid, shall have been killed, such information shall be forthwith certified by the Justice or other person taking the same under his Hand and Seal to one of his Majesty's principal Secretaries of State, who shall forthwith lay the same before his Majesty in his Privy Council; and his Majesty may thereupon, if he shall so think fit, by His Order in Council, require and command the person so charged with such Offence, that he do, within the space of Sixty Days, or such longer time as to his Majesty shall seem fit, after the Publication of such Order in the London Gazette, surrender himself to the Lord Chief Justice, or any other Justice of the King's Bench, or to any Justice of the Peace, or other person competent to take such Surrender as in such Order shall be specified; and may further order and require such Order to be proclaimed by the Sheriff of the County where the Offence shall have been committed, if committed within any County of the United Kingdom, and if not committed within any such County, then by the Sheriff of any County near to the Place wherein the Offence shall have been committed; and the Clerks of his Majesty's Privy Council shall cause such Order to be forthwith printed and published in the London Gazette, and such Publication to be repeated once in every Week after such first Publication, until the Expiration of the said Sixty Days, or such other time as shall be appointed by such Order for the Surrender of such Offender, and shall also cause a Copy of such Order, attested by the Signature of one of the said Clerks, to be transmitted to the Sheriff of the County specified in such Order, who shall, within Fourteen Days after the Receipt of such Copy, cause the same to be proclaimed between the hours of Ten in the Morning and Two in the After-

Proceedings in  
cases of shooting  
or wounding, etc.

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see under title **REVENUE**, § 1.) It is, however, worthy of observation, that in this Act no mention is made of the Offence of *harbouring*, after the time allowed for their Surrender by Proclamation is expired, such Offenders guilty of shooting as above described, though the 13th section of the Statute 24 G. 3. declares such Offence to be a capital Felony.

noon, in the respective Market Places upon the respective Market Days of Two Market Towns in the same County, if there shall be Two such Towns; and if there shall be only one such Town, then in such Town, and in some other Place of general Resort within such County, and shall also cause a true Copy of such Copy of such Order to be affixed upon some public Place in each of such Market Towns or other Place where such Proclamation shall be made; and if the person charged with such Offence as aforesaid, shall surrender himself according to such Order, the Justice or other person to whom he shall so surrender, shall commit him to some Gaol or Prison within the Limits of his Jurisdiction, to be there dealt with according to Law; but if such person so charged and proclaimed as aforesaid, shall not so surrender himself within the time limited in such Order, or shall after Surrender and before Trial for such Offence escape from Justice, such person shall, from the Day appointed for such Surrender, be adjudged to be a person attainted of Felony, and shall suffer Death as a Felon, without Benefit of Clergy, if the Offence shall be charged to have been committed in England, or within the Limits of any Port, Harbour, or Creek in England or Ireland, or within one hundred Leagues of the Coast thereof; and it shall be lawful for the Court of King's Bench, or the Justices of Oyer or General Gaol Delivery, or Great Sessions for the County or Place where such Offender shall be, to award Execution against such Offender in such Manner as if he had been convicted and attainted in the said Court of King's Bench, or before such Justices of Oyer and Terminer, or General Gaol Delivery or Great Sessions respectively; and if the Offence shall be charged to have been committed in Scotland, or within any Port or Harbour or Creek thereof, or within one hundred Leagues of the Coasts thereof, such Offender shall in the like Case be adjudged, deemed, and taken to be convicted of a Capital Crime, and shall suffer the pain of Death, and Confiscation of Moveables, as in the Case of a person found guilty of a Capital Crime and under Sentence for the same; and it shall be lawful for the Court of Justiciary, or the Lords of Justiciary in their Circuits in Scotland, to award Execution against such Offender, in such Manner as if he had been found guilty and condemned in the said Courts of Justiciary or Circuit Courts respectively. 52 G. 3. c. 143. s. 12.

This act shall not extend to prohibit the Exportation of Tobacco-pipe Clay to the British Colonies in the West Indies, while allowed by 17 G. 3. c. 43., and the Acts continuing the same. 28 G. 3. c. 38. s. 10.

All and every owner and owners of Wool, or any other the said herein-before enumerated Woollen and Worsted Articles, and which are hereby prohibited from being exported, or his, her, or their Agent or Agents, who shall at any time hereafter carry, or cause to be carried, any Wool, or any other the said last-mentioned Articles, to any Port or Place on the Sea Coast within the said Kingdom of Great Britain, with an intention to convey the same to any other Port or Place on the Sea Coast within the same Kingdom, from whence the same may be shipped off, or otherwise transported, conveyed, or carried into Foreign Parts, shall, in the first place, cause a due entry to be made of the said Wool, and other the said last-mentioned Articles, at the Port from whence the same shall be so intended to be conveyed, containing the exact weight, marks, and numbers of the same, before he, she, or they shall presume to load or carry away any of the said Wool, or the last-mentioned Articles, within five miles of any such Port or Place on the said Sea Coasts, from whence the same is or are so to be conveyed; and if any Wool, or any other the said last-mentioned Articles, shall be carrying towards the sea for the purpose aforesaid, without being first entered in manner aforesaid, and without being accompanied with a Certificate of such Entry, and which the Officer with whom such Entry shall be made is hereby required to give, the Wool, and other the aforesaid Articles, so found, and also the Horse or Horses, or other Beast, Cart, Waggon, or other Carriages conveying the same, shall be forfeited for the benefit of the person or persons who shall seize thereupon. 28 G. 3. c. 38. s. 11.

If Wool, &c. intended to be sent Coastwise, be carrying towards the Sea without Entry thereof having been made, the same shall be forfeited, &c.

But not to extend to Wool carrying from the place of shearing to the Owner's House, though within five miles of the Sea, if the quantity be certified to the Officer of the next Port, as also the intention to remove it: Officer to register such Certificates. s. 12. If there be no Port within five miles, Certificates to be given to a Justice, &c. s. 13. Quantity of Wool of Sheep shorn for Market between March 1 and July 1, need not be certified till after the general Shearing, if three days previous notice of the removal be certified as aforesaid. s. 14.

It shall and may be lawful to and for any person or persons, authorized and qualified as herein-after is mentioned, to seize, take, and challenge, to and for his and their own use and benefit, all such Wool, Woolfels, Mortlings, Shortlings, and other the said Woollen and Worsted Articles, Fullers Earth, Fulling Clay, and Tobacco-pipe Clay, which he or they shall happen to see, know, or discover to be brought, carried, or laid

Qualified Persons may seize, for their own use, wool, &c. found near the sea or any navigable river, with an intent to be exported.

Penalty on the offenders.

on Shore, at or near the Sea, or any navigable River, to the intent or purpose to be exported or conveyed out of the said kingdom of Great Britain, or out of the Isles aforesaid, or any of them, contrary to the true intent and meaning of this Act; and the offender or offenders therein shall be subject and liable to the like Forfeiture, Pains, and Penalties as persons by this Act are subject unto for exporting, transporting, or shipping of Wool, or other the Commodities aforesaid, contrary to the true intent and meaning hereof. 28 G. 3. c. 38 s. 15.

Wool for the Use of Jersey, &c. may be exported from Southampton, under the Regulations herein contained. s. 16. Quantity that may be exported annually to Jersey, &c. Governor of Jersey, &c. not to authorize the Exportation of more than the Quantity specified. Customer of Southampton to be displaced, and forfeit 500l. if he permit a larger than the allowed Quantity to be laden. Governors, &c. authorizing a larger Quantity to be exported, to forfeit 20l. per Tod. s. 17. One Shilling to be paid for Licence and Entry. s. 18.

No wool, &c. to be shipped, but in vessels belonging to natural-born Subjects resident in Great Britain.

No Wool, or any of the herein-before enumerated Woollen or Worsted Articles, Fullers Earth, Fulling Clay, or Tobacco-pipe Clay, shall on any pretence whatever, be put on board any Ship or other Vessel, Hulk, or Boat, whereof any Alien born, or whereof any Natural born Subject, not inhabiting within the Kingdom of Great Britain, shall be Owner or Part Owner; and every such Ship or Vessel, Hulk, or Boat, wherein any such Wool, or other Articles herein-before enumerated, shall be shipped, put, or laid on board, contrary to the true Intent and meaning of this Act, shall be forfeited to and for the Use of the person and persons seizing the same: Provided always, that this Act shall not extend to any Lamb Skins ready dressed and prepared, fit and useful for Fur or Linings. s. 19.

Not to extend to lamb skins dressed for fur or linings.

Wool may be sold, &c. within fifteen miles of the Sea in Kent and Sussex, where the parties have given the Bond as required by 9, 10 W. 3. c. 4.—s. 20. Wool shorn or housed within ten miles of the sea in Kent and Sussex may be carried to Fairs for Sale, &c. on Permit. s. 21. Permits for Wool so sold shall be produced to the Officer, &c. s. 22. Wool returned unsold from Fairs to be subject to the same Rules as before Removal. s. 23.

Persons counterfeiting Certificates, &c. to forfeit 20l.

If any person or persons whosoever shall counterfeit, erase, or in anywise alter any Certificate or Acknowledgment in the said recited Act mentioned, or any Licence, Certificate, or Instrument hereby directed to be made or given, or shall cause or procure the same or either of them to be counterfeited, forged, erased,



or altered in any respect, or shall knowingly make use of any counterfeited or altered Licence, Certificate, or Acknowledgment, he, she, or they so offending shall forfeit and pay the Sum of Twenty Pounds for every such Offence to any person or persons who shall sue for the same. s. 24.

No Wool, or any other the aforesaid Woollen or Worsted Articles, and which are hereby prohibited from being exported, shall be removed or carried towards the Sea, within Five Miles of the Sea Coast of any Part of the Kingdom of Great Britain, upon any Pretence whatever, between Sun-setting and Sun-rising, upon Pain of the same being forfeited, together with the Horses, Waggon, Cart, or Carriage, in and by which such Wool, and other the said Woollen and Worsted Articles, shall be so conveying, for the Benefit of the person or persons seizing the same; and the Driver or Drivers of every such Waggon, Cart, or Carriage, knowing thereof, and being thereof convicted, shall be committed to the House of Correction for the Space of One Month, there to remain without Bail or Mainprize. s. 25.

Wool, &c. removing between sun-setting and sun-rising, within five miles of the sea, shall be forfeited, &c.

But not to extend to Wool shorn, and carried after Sun-setting the same Day to the Owners Houses. s. 26. Worsted Yarn, not exceeding 14lbs. prepared for Knitting, may be carried to Retail Shops, &c. s. 27.

No Wool, Woolfels, Mortlings, Shortlings, Wool-flocks, Worsted Bay, or Woollen Yarn, shall be packed up in any other Package otherwise than Packs or Trusses of Leather or Canvass, commonly called Pack Cloths, or in Linen or Woollen; and that all such Packs or Trusses of Leather, Canvass, Linen, or Woollen, shall be stamped or marked on the Outside thereof with the word WOOL, in large Characters, not less than Three Inches in Length, on Forfeiture of all such Wool, or other the aforesaid Articles, to the person or persons seizing the same, and also upon Forfeiture, by the person or persons to whom such Wool or other aforesaid Articles shall belong, of any Sum or Sums of Money, not exceeding One Shilling for every Pound Weight of such Wool, or other the aforesaid Articles so seized, to the person or persons seizing the same, as the Court or Justices before whom such Wool, or other the aforesaid Articles, shall be condemned, shall direct: Provided always, that nothing herein contained shall extend to prevent any person from packing or putting any Worsted or Woollen Yarn in Paper, so that such Paper is fairly directed to the person or persons to whom the same is intended to be sent, and the Word *Worsted* or *Yarn* as the case may be, wrote or marked thereon,

How wool, &c. shall be packed.

Penalty for neglect.

Worsted yarn may be packed in paper, if marked, &c.

in Letters not less than one Inch in Length, and that the Quantity in any One such Paper contained do not exceed Fourteen Pounds in Weight. 28 G. 3. c. 38. s. 28.

Justices may order wool, &c. unstamped on the package, to be returned, but not to mitigate the penalty below 6d. per lb. weight.

Provided always, that the Justices before whom any Complaint or Information respecting the Word *Wool* not being stamped or marked on the Outside of the Package of such last enumerated Articles, according to the Directions of this Act, shall be made, shall and may, and they are hereby empowered, if they shall so think fit, to order and direct the Wool, and other the said herein-before enumerated Articles which shall have been seized, to be returned to and delivered up to the Owner or Owners thereof; but that in every such Case the Forfeiture or Penalty incurred by such Offence shall not be mitigated or reduced below Sixpence for every Pound Weight of such Wool, or Articles so seized. s. 29.

Wool, &c. not packed according to this act to be forfeited, and 3s. for every lb. weight.

All and every person and persons who shall pack any Wool, or other the aforesaid Woollen or Worsted Articles, in any Box, Barrel, Cask, Case, Chest, or any other Package, otherwise than according to the Directions herein-before contained, or who shall press together, or cause or procure to be pressed together, with any Screws, Presses, or other Engine, any Wool whatsoever, or any Yarn made of Wool, or other the Woollen or Worsted Articles by this Act prohibited from being exported, into any Pack, Truss, or other Wrapper, or put, press, pack, or stean the same, or cause to be put, pressed, packed, or steaned, into any Butt, Pipe, Hogshead, Chest, or other Cask or Vessel, upon any Pretence whatsoever, shall forfeit all such Wool, or other aforesaid Woollen or Worsted Articles, with the Package thereof, and Three Shillings for every Pound Weight of Wool, or other such Woollen or Worsted Articles, so put, pressed, packed, or steaned, the whole of which Penalties shall go and be paid, by the Owner or Packer of such Wool, or other the aforesaid Woollen or Worsted Articles, to the person or persons who shall seize the same, or sue for such Forfeiture. s. 30.

Persons packing Wool, &c. contrary to this act, or assisting therein, to be liable to the same penalties as exporters of wool.

If any person or persons shall press together, or cause or procure to be pressed together, with any Screws, Presses, or other Engine, any Wool or other the Woollen or Worsted Articles hereby prohibited from being exported, into any Truss, Sack, Pack, Bag, or other Wrapper, or shall put, press, pack or stean the same, or cause or procure to be put, pressed, packed or steaned into any Butt, Pipe, Hogshead, Chest, or any other Cask or Vessel, upon any Pretence whatsoever, contrary to the true Intent and Meaning of this Act, every person or persons

so offending, and all person and persons aiding and assisting in such packing, shall, over and above the Penalties and Forfeitures before mentioned, be subject and liable to the same Pains and Penalties as are herein-before directed to be inflicted upon Exporters of Wool; and the Court and Justices by and before whom such Person or Persons shall be tried and convicted, shall and hereby have. Power and Authority to punish every such Offender accordingly: Provided always, that in case any person or persons who may have assisted in such illegal Package shall, before his, her, or their being apprehended for the same, appear before any of his Majesty's Justices of the Peace, and then and there make a true Discovery of the Master Packer, and other the Persons concerned in such illegal Package, so that he, she, or they may be prosecuted to Conviction, then the person or persons giving such Information shall not be liable to the Pains and Penalties aforesaid, and, on the Conviction of such Offender or Offenders, shall be entitled to the Wool, or other the Woollen or Worsted Articles so packed: Provided always, that in case the Master Packer, or any person or persons assisting in such Package, shall, before any Information shall be taken against him, her, or them therein, discover to any Justice of the Peace the Name or Names of the person or persons by whom he, she, or they was or were employed to pack or press the same, so that such person or persons, by whom he, she, or they was or were employed, may be prosecuted to conviction for the same, then such Master Packer, or the person or persons who shall give such Information, shall not be liable to the Pains and Penalties aforesaid, and shall be entitled to the Wool, or other the Woollen or Worsted Articles so sent to be packed; and the person or persons directing such Wool, or other the aforesaid Woollen or Worsted Articles, so to be packed, shall, on Conviction for the same, be liable to and shall suffer the Pains and Penalties herein-before directed to be inflicted on Exporters of Wool. s. 31.

Persons assisting in such illegal package, giving information of the master packer, &c.; or master packers, &c. discovering their employers, to be entitled to the wool;

and the employers to be liable to the penalties on exporters of wool.

And whereas great Quantities of Wool are frequently lying at the public Wharfs in different Ports of Great Britain, which Wool being under no Controul of the Commissioners of the Customs, or their Officers, evil-disposed persons may in the Night-time put the same on board Vessels ready for sailing to Foreign Parts; and also in many Cases, where Wool is regularly entered to be put on board Vessels bound Coastways, it is easy to put on board such Vessels in the Night time a larger Number of Packs of Wool than have been duly entered for that

Wharfingers shall enter into bond not illegally to ship wool, and to keep an account of wool, &c.

Penalty on refusing to give bond, or to keep an account of wool, &c. or for suffering it to be illegally shipped, 200l.

Informers entitled to 40l.

Purpose, and which, by being concealed under such Packs as have been duly entered, cannot easily be discovered, and which Wool may, after the said Ship has proceeded some Way on her intended Voyage, be put on board other Vessels bound to Foreign Parts: For Remedy whereof, be it enacted, that every person and persons who shall keep any Wharf for the Reception of Wool in or at any Port in Great Britain shall, within Six Months after the passing of this Act, and every person and persons who shall hereafter keep any such Wharf shall within One Month next after he, she, or they shall begin to keep the same, enter into a Bond to the Use of the King's Majesty, his Heirs and Successors, in the Penalty of Two hundred Pounds, and which shall be deposited with the Commissioners of his Majesty's Customs at the Port of London, that no Part of the Wool which shall be lodged or deposited with him, her, or them, shall, with his, her, or their Privy or Consent, be illegally put on board any Ship or Vessel; and such Wharfinger shall also keep a regular Entry and Account of the Quantity of Bags or Cloths of Wool by them received and delivered, the time when, and the Names and Residence of the Persons from whom such Wool was so received, and to whom such Wool was so delivered, with the Marks and Numbers upon the Sheets, and Weight of such Wool, a Copy of which Account shall be by him, her, or them delivered to the principal Officers of the Customs at the Port at which such Wharfinger shall reside, at the End of every Six Months, and oftener if the same shall be required by such Officer; and if any Wharfinger shall refuse to enter into such Bond as aforesaid, within the said respective Times, he, she, or they so refusing shall forfeit and pay the Sum of Two hundred Pounds to the person or persons who shall sue for the same; and in case such Wharfinger shall refuse to keep and deliver such Account, or shall be convicted of keeping or delivering a false Account, every such Wharfinger shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be paid to the person or persons who shall sue for the same; and moreover, if such Wharfinger shall at any time knowingly permit or suffer any such Wool to be put on board any Ship or Vessel, otherwise than according to the Directions in this Act contained, then such Wharfinger, and also all and every person and persons who shall be aiding and assisting therein, shall on Conviction be subject and liable to the Pains and Penalties herein-before enacted against the Exporters of Wool: and any person giving Information, so as that such Wharfinger, person and persons, or any of them, may be con-

victed, every such Informer shall be entitled to the Sum of Forty Pounds, which Sum shall be paid to such Informer by the Commissioners of his Majesty's Customs immediately after such Conviction. 28 G. 3. c. 38. s. 32.

Wharfingers shall give an Account to the proper Officer of the Quantity of Wool received, on Penalty of Ten Pounds. s. 33.

And the better to prevent any fraudulent Exportation of Wool, Woolfels, Mortlings, Shortlings, combed Wool, Wool-flocks, or Woollen Bay Yarn, Worsted Yarn, Cruels, or Wool slightly manufactured, and which are hereby prohibited from being exported, under the pretence of carrying the same coastwise in the Kingdom of Great Britain; be it further enacted, that no Wool, or any other the last before enumerated Articles, and which are hereby prohibited from being exported, shall be put on board any Ship, Vessel, or Boat, to be carried coastwise, or from one Port in Great Britain to another, unless Notice be first given to the Commissioners or Chief Managers of the Customs, or to the Customer, or Collector and Comptroller of the Customs at the Port from which the same is intended to be sent, of the Quantity, Quality, and Package, together with the Marks, Numbers, and Weight thereof, with the Name of the Ship, and Master or Commander, on board of which the said Goods are to be laden, together with the Name or Names of the Owner or Owners of the said Goods, and the Place of his or their Abode or Habitation, and the Place and Port at which the same are intended to be landed, and the Names of the person or persons to whom the same are consigned; and also unless a Bond be first entered into to the Use of the King's Majesty, his Heirs and Successors, by two good and sufficient Persons, in Treble the Value of the said Goods so intended to be carried coastwise, that the same shall (the Danger of the Seas excepted) be landed accordingly, which said Bond shall be executed by the Owner or Owners of the said Goods, or some person or persons by him, her, or them appointed to execute the same, and which Execution shall be deemed to be the Act of such Owner or Owners, or Shipper or Shippers thereof; which said Shipper or Shippers, if acting as Agent, or having sold such Goods to any person or persons, shall and may sue for and recover, of and from the proprietor or proprietors of the Goods so shipped, all such Sum and Sums of Money as such Shipper or Shippers shall or may pay, expend, or be put unto without their wilful default or negligence, for or by reason of his, her, or their entering into such Bond or Bonds; and in

Regulations for shipping wool, &c. to be carried coastwise.

case any such Bond or Bonds shall be so entered into for any Wool, or any other the last herein-before enumerated Articles, being the Property of different persons, then such Owner or Owners, or Person or Persons for whose account such Bond was so entered into, shall be accountable for his, her, or their Share of the Money so expended, in proportion to the amount of such Goods so shipped; and also unless a Licence be first taken out under the Hands of the Commissioners or Chief Managers of the Customs for the time being, or any Three of them, or from the Customer, or Collector and Comptroller of the Customs where any such Bond is given, for the lading, carrying, and landing thereof as aforesaid, which Licence they are hereby required to grant without any Fee or Reward, or any other Charge, to the person demanding the same, any Law, Statute, or Usage to the contrary in anywise notwithstanding; and if any Wool, or other of the said last-mentioned Goods, shall be carried or laden on board any Ship, Vessel, Bottom, or Boat, in order to be carried coastwise, or from one Port to another, before such Bond shall be entered into, and such Licence taken out as aforesaid, and before all the Directions in this Act made to prevent the Exportation thereof shall be fully and duly complied with, then all such Wool, and other such last-mentioned Articles, and which are hereby prohibited from being exported, or the Value thereof, shall be forfeited, together with the Ship, Vessel, Bottom, or Boat in which such Goods shall be so laden or put on board, and all the Guns, Ammunition, Tackle, Apparel, and Furniture of or belonging to such Ship, Vessel, Bottom, or Boat, for the benefit of the person or persons first informing thereof. s. 34.

Wool, &c.  
shipped to be  
carried coastwise  
contrary to this  
act, shall be for-  
feited with the  
Vessel.

Wool, &c. may be carried from one part to another of the Lochs, or from Islands to the Mainland in Scotland, but not to Sea, except under the Regulations of this Act. s. 35. Customer at the Port of shipping not sending proper Notice to the Officer at the Port for which Wool, &c. is shipped, shall forfeit Ten Pounds. Bonds given on shipping Wool, &c. to be discharged by a Certificate from the Officer at the Port of landing, which he is to transmit to the Officer at the Port of shipping within Seven Days, on Penalty of Ten Pounds: Certificate of landing to be given the Master of the Vessel: Bonds not discharged in Six Months to be sent to the Commissioners of Customs. Notice of Wool not landed in a reasonable Time to be sent to the Officer at the Port of shipping, who is to enquire how it has been disposed of. s. 36.



No Wool, or any other the said herein before enumerated Woollen or Worsted Articles, Fuller's Earth, Fulling Clay, or Tobacco-pipe Clay, shall be put on board any Ship, Vessel, or Boat, bound to Parts beyond the Seas, on any pretence whatsoever, under the Penalty of Forfeiture, for the benefit of the person or persons who shall inform thereof, of all such Goods, and also of such Ship, Vessel, Bottom, or Boat on which such Goods shall be so laden or put on board, and all the Guns, Ammunition, Tackle, Apparel, and Furniture belonging to such Ship, Vessel, Bottom, or Boat; and moreover the Master or Commander of such Ship or Vessel, Bottom, or Boat; shall in such case be deemed the Exporter thereof, and shall be subject and liable to the Pains and Penalties in such case made and provided, unless such Master or Commander shall and do, immediately upon his being apprehended, discover and make known the person or persons who actually shipped such Goods, and enter into a Recognizance with Two sufficient Sureties, before some Justice of the Peace for the County, City, Borough, or place in or at which such last mentioned Goods shall be discovered, to prosecute and give Evidence against such Shipper, so that he may be convicted thereof. 28 G. 3. c. 38. s. 37.

Wool, &c. shipped for parts beyond the seas, to be forfeited, and the vessels.

Masters to be subject to the penalties, except they discover the shippers.

Provided always, that nothing in the above Exception contained shall extend to the Masters or Commanders of Ships or Vessels not regularly cleared out to Foreign Parts, but that if any Wool or other the said last mentioned Goods, shall be discovered on board any such Ship or Vessel, and where no such Clearance can be exhibited, then and in such case the Master or Commander of such Ship or Vessel shall be deemed the Shipper of such Goods, and such Master or Commander, and also all and every person and persons on board any such Ship or Vessel, knowing of any such illicit transaction, shall be liable to the Pains and Penalties herein-before enacted against the Exporters of Wool: Provided also, that in case any person or persons on board any Ship not regularly cleared out to Foreign Parts, other than the Master or Commander thereof, shall immediately on his or their being apprehended, give Information, so that such Master or Commander may be convicted or the Ship or Vessel condemned, every such person and persons so informing shall not be liable to any Pains or Penalties to which he or they might otherwise be liable, and shall also be entitled to a Reward of Forty Pounds, which Reward shall be paid to such Informer or In-

Masters of vessels not regularly cleared out to foreign parts, as well as all on board privy to any illicit transaction, to be liable to the same penalties as exporters of wool.

Informers to be entitled to 40l.

formers by the Commissioners of his Majesty's Customs immediately after such Conviction. s. 38.

Masters of Vessels or Drivers of Carts, &c. exempted from Punishment, if it is proved from the smallness of the quantity that they were not privy to Wool, &c. being in their Vessels, Carts, &c. s. 39. But the Wool, &c. to be forfeited. s. 40. Port Officer to keep a Register of all Wool, &c. sent Coastwise, and to send a Copy Half-yearly to the Commissioners of Customs; the Register at the Custom House in *London* to be inspected for One Shilling, and a Copy of it transmitted annually to every Custom House. s. 41. If Wool shipped to be carried Coastwise be unpacked, the Master of the Vessel to forfeit Forty Shillings for each Bag. s. 42. Wool, &c. carried Coastwise, to be shipped and landed in the presence of an Officer, and at lawful Quays, on Penalty of Forfeiture of the Wool, and Three Shillings for every Pound Weight. s. 43. Cocquets and Certificates to be written on Paper; the Weight, &c. of Wool, &c. to be expressed in them. s. 44.

Persons insuring the conveyance of sheep, &c. to foreign parts, liable to the same penalties as exporters of wool; and

All and every person and persons who by way of Insurance or otherwise shall undertake or agree that any Sheep, Wool, or any other of the Articles herein-before enumerated, shall be carried or conveyed to any parts beyond the Seas, from any port or place whatsoever within this Kingdom, contrary to the true intent and meaning of this Act, or in pursuance of such Insurance, Undertaking, or Agreement, shall deliver, or cause or procure to be delivered, any Sheep, Wool, or any of the said Articles, in any parts beyond the Seas, such person or persons, and all and every their Aiders, Abettors, and Assistants, shall, upon his and their Conviction, be liable to be punished in the same Manner as is herein-before directed with respect to the Exporters of Wool. s. 45.

Persons paying for such Insurance, liable to the like penalties, and to forfeit the Articles insured.

All and every person and persons whosoever, who shall pay or agree to pay any Sum or Sums of Money for the insuring, conveying, or exporting any Sheep, Wool, or other the Articles hereby prohibited from being exported, contrary to the true intent and meaning of this Act, shall, upon his and their Conviction, be liable to be punished in manner as herein-before directed respecting the Exporters of Sheep or Wool; and moreover, such Sheep, Wool, or Articles aforesaid, which shall be so insured, shall become forfeited to the person or persons who shall sue for the same. s. 46.

Any person concerned in such Insurance giving Information to the Commissioners of the Customs, shall have the Sheep, &c.; or if

the Informant be insured, shall receive back the Premium, &c. s. 47. Policies of Insurance to be void, if made on Wool, &c. to Foreign Parts. s. 48.

And be it further enacted by the Authority aforesaid, that it shall be lawful for the Master or Commander, or any other commissioned or deputed Officer of any of his Majesty's Ships or Sloops, in any Port, Creek, or Road, or in the open Seas, within the Limits of the Station which shall be assigned to any such Ships or Sloops, and he is hereby required to enter and search, or cause to be entered and searched, any Ship, Vessel, or Boat, and if upon such search any Sheep, Wool, or any other of the said Articles hereby prohibited from being exported, shall be found therein, and the Master or Commander of such Ship, Vessel, or Boat, shall not immediately produce to the Commander of such Ship or Sloop a lawful Cocquet or Warrant, licensing such Articles to be carried Coastwise, or to the said Isles, or some of them, such Commander is hereby directed to take and seize such Ship, Vessel, or Boat, and to carry the same, together with the Crew and Cargo thereof, into some Port in Great Britain, and there deliver the same into the Custody of the Collector and Comptroller of such Port. s. 49.

All the Wool, and other the said Articles hereby prohibited from being exported, found on board any Ship, Vessel, or Boat, contrary to the Intent and Meaning of this Act, and which are hereby declared to be forfeited, and which shall have been so seized by any of his Majesty's Ships or Sloops, shall be lodged in the King's Warehouse in such Port where the same shall be taken or seized, or into which the same shall be brought, until condemned according to Law, and being so condemned, such Wool and other such Articles shall be exposed publicly to Sale, after Sixty Days public Notice being given in Writing at the Custom House of the said Port, and on the Royal Exchange of London, by Inch of Candle, to the last and best bidder; and all Ships, Vessels, or Boats, that shall be so seized, and which are hereby declared to be forfeited, and which shall be condemned as aforesaid, shall, together with all their Guns, Tackle, Furniture, and Apparel, be exposed to Sale in like Manner, and the Produce of the Wool, or such aforesaid Articles, Ships, Vessels, or Boats, so sold as aforesaid, after deducting the Expences and Charges of the Prosecution and Condemnation, shall be divided in Manner following; (that is to say), One Third Part thereof to the Commander or Commanders, One Third Part to the Officers of the Ship or Ships, Sloop or Sloops, that took the

Commanders, &c. of King's ships to search vessels, and seize such as have Sheep, &c. on board without a licence.

Wool, &c. when seized to be lodged in the king's warehouse till condemned;

Wool, &c. and vessels to be sold,

and the produce divided as herein mentioned.

same, and the remaining Third Part to the Mariners belonging to such Ship or Ships, Sloop or Sloops, to be equally divided and paid amongst the said Mariners, by the Collectors of the said Port, or such Person or Persons as shall be authorized to pay the same; and that if such Seizure shall be made upon the Information of any Person or Persons not being a Mariner on board any such Ship or Sloop so appointed to cruise, such Informer or Informers shall not only be indemnified from the Pains, Penalties, and Forfeitures to which Exporters of the said Prohibited Articles, their Aiders and Abettors, are liable, but shall also receive One Third Part of the Produce of such Sale or Sales, after deducting the Expences attending the same, and the Residue thereof shall be divided and distributed in Manner as is before directed. 28 G. 3. c. 38. s. 50.

Penalty on commanders of ships neglecting their duty.

Informers of such neglect to be paid 40l.

Every Commander of such Ship or Sloop neglecting his Duty by this Act required, shall lose and forfeit all Pay and Wages due to him or them, and suffer Six Months Imprisonment, and be for ever incapable of serving His Majesty in any Office in the Navy, Customs, Excise, or Salt Duties; and that any Person or Persons giving Information against any such Commander for neglecting his Duty shall, on the Conviction of such Offender or Offenders, be entitled to receive and have the Sum of Forty Pounds, to be paid to such Informer immediately after such Conviction, by the Commissioners of the Customs, Excise, or Salt Duties, or other His Majesty's Revenue as hereinafter mentioned, with respect to Forfeitures incurred by Persons unable to pay the same. s. 51.

No person, except an officer of the customs, &c. to seize sheep, &c. without a constable.

Provided always, that in order to prevent collusive Seizures and Agreements, and fraudulent Practices, whereby the Penalties and Forfeitures inflicted by this Act may be evaded, it shall not be lawful for any Person or Persons, except an Officer of His Majesty's Customs, Excise, or Salt Duties, who shall have Cause to suspect that any Sheep, Wool, or any of the before enumerated Articles, and which are hereby prohibited from being exported, is or are carrying or conveying, contrary to the Directions and true Intent and Meaning of this Act, to examine or seize such Sheep, Wool, and other the said enumerated Articles, other than together and in Company with a Constable, or other Officer of the Peace, who are hereby required, on Application being made to him or them, immediately to attend the Person or Persons applying for such Assistance; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding. s. 52.

Constables &c. neglecting their Duty, shall forfeit 20l. Nothing in this Act to take away the Power given to Commanders of King's Ships to seize Vessels, s. 53.

And to prevent any Dispute relating to the Authority of any Person or Persons acting as an Officer or as Officers of the Customs, Excise, or Salt Duties in this Kingdom, for putting in Execution this Act, be it further enacted, that every Person who, by Deputation, Commission, or other Instrument, under the Hands and Seals of the Commissioners of the Customs, Excise, or Salt Duties in this Kingdom, or the Isles aforesaid respectively, shall be appointed to act as an Officer or Servant under them for putting this Act in Execution, shall be esteemed an Officer of the Customs, Excise, or Salt Duties respectively, to all Intents and Purposes whatsoever. s. 54.

All persons acting under the authority of the commissioners of customs, &c. to be deemed their officers.

If any Officer of the Revenue, or other Person or Persons shall, directly or indirectly, make any collusive Seizure or Information of any of the said Articles hereby prohibited from being exported, or any fraudulent or collusive Agreement whatsoever, whereby the Owner or Claimer thereof, their Agents or Servants, or any Offender or Offenders against this Act, may avoid the Forfeitures, Punishments, and Penalties, or any Part thereof, incurred or inflicted by this Act, he, she, and they shall, upon Conviction, be subject to the like Penalties as are hereinbefore directed to be incurred by the Exporters of Wool; and every such Information and Seizure, and all the Proceedings thereupon had, shall be and are hereby declared to be for the Benefit only of the Person or Persons (not being an Accomplice or Accomplices) who shall first discover such collusive Information and Seizure: Provided nevertheless, that any Person whatsoever, concerned in any such collusive or fraudulent Seizure or Agreement, who shall first discover such his Offence to the Commissioners of the Customs for the Time being, shall be clearly acquitted and discharged thereof, provided he makes such Discovery within the Space of Three Months after the Offence shall have been committed, and so as any One or more of his Accomplices therein be convicted thereof; and if such Person first making such Discovery as aforesaid, within the Time aforesaid, be not an Officer of his Majesty's Revenue, or Owner of the Goods, he or she shall, as a further Encouragement for making such Discovery, have and receive, to his and her own Use and Benefit, the Sum of Forty Pounds, the same to be paid by the Commissioners of the Customs on the Conviction or Convictions of such Offender or Offenders. s. 55.

Persons making collusive seizures, &c. to be subject to the like penalties as exporters of wool;

and the seizures, &c. to be to the person discovering the collusion.

Any person concerned in such collusion, making the first discovery thereof, to be acquitted.

and if not a revenue officer, or owner of the goods, to have 40l.

Persons opposing any one in the execution of this act to be transported.

And for the more effectual putting this Act in Execution, be it further enacted, that if any Person or Persons whosoever putting this Act in Execution, shall be hindered, opposed, obstructed, molested, wounded, or beaten, in seizing or attempting to seize any Sheep, Wool, Woolfels, Woolflocks, Mortlings, Shortlings, or any other Species of Goods before enumerated, by any Person or Persons whomsoever, either in the Day or Night, by Land or Water, which were intended to be exported, or which were carrying on board any Ship or Vessel contrary to this Act, the Person or Persons who shall so hinder, oppose, obstruct, molest, wound, or beat, any such Person or Persons in the making, or attempting to make, such Seizures as aforesaid, and also all and every other Person or Persons whatsoever, being armed with offensive Arms or Weapons, or wearing any Vizard, Mask, or other Disguise, who shall rescue, or attempt to rescue, any Sheep, Wool, or other the Goods aforesaid, which shall have been seized according to the Directions of this Act, every such Person or Persons that shall be convicted of any of the said Offences shall, by Order of the Court before whom such Offender or Offenders shall be convicted, be transported to some Place beyond the Seas for such Term as such Court shall think fit, not exceeding Seven Years; and if any such Offender or Offenders shall return into Great Britain before the Expiration of the Time for which he, she, or they shall be so transported, contrary to the Intent and Meaning hereof, he, she, or they, so returning, and being duly convicted thereof, shall suffer as Felons, and have Execution awarded against them, as Persons attainted of Felony without Benefit of Clergy. s. 56. See the Statute 52 G. c. 143. s. 11. ante, p. 1191.

Persons offering Bribes to connive at any Evasion of this Act shall forfeit £300. s. 57.

Officers of the excise, &c. neglecting their duty, to suffer the same punishments as exporters of wool.

Every Officer of his Majesty's Excise, Customs, or Salt Duties, neglecting the Duty by this Act required, or compounding for any Ship, Vessel, Sheep, Wool, or other the Articles hereinbefore mentioned, and which are by this Act directed to be forfeited, shall be deemed Aiders and Abettors in the Exportation of Sheep, Wool, and other the Articles aforesaid which are hereby prohibited from being exported, and suffer the Punishment herein enacted against the Exporters thereof. s. 58.

Bonds not to be chargeable with Stamp Duties. s. 59.

In all prosecutions the proof to lie upon the defendant.

In all Questions, Prosecutions, Suits, and Informations which shall happen to arise or be commented, brought, sued, or prosecuted, between or against any person or persons for any thing done or committed, or neglected to have been done contrary to



the Directions, true Intent, and meaning of this Act, touching or concerning the Sheep, Wool, or other Articles hereby prohibited from being exported, it shall not be necessary for the Prosecutor, or person or persons commencing, bringing, or prosecuting any such Suit, Indictment, or Information, nor shall he, she, or they be obliged or required, upon any Hearing or Trial thereof, to prove that such Sheep was or were of the Breed of this Kingdom, or that such Wool was of the Growth of this Kingdom; but that without any such proof, upon every such Hearing and Trial, it shall be held, deemed, and taken, that such Sheep was or were of the Breed of this Kingdom, and such Wool of the Growth of this Kingdom, unless the contrary shall be proved by or on the part of the person or persons who shall happen to be Defendant or Defendants in or upon any such Hearing or Trial; any Law or Usage to the contrary notwithstanding. 28 G. 3. c. 38. s. 60.

All Actions, Suits, Prosecutions, and Informations, to be had and commenced upon this, or upon the said recited Act of the Ninth and Tenth Year of his late Majesty King William the Third, for or in respect of any Offence or Offences done or committed against this or the said recited Act, or for or in respect of any Penalty or Forfeiture in or by the said Acts or either of them imposed or inflicted, shall and may be entered and prosecuted (except where it is in this Act otherwise directed) in any of his Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland, or in any Court of Oyer and Terminer, Great Session, or Gaol Delivery, or at the Quarter Sessions of the Peace, or before any two Justices of the Peace for any County, City, or Place in this Kingdom, in a summary way, at the Election of the Seizer or Informer, wherein no Essoign, Protection, or Wager of Law shall be allowed, or any more than one Imparlance. s. 61.

Prosecutions may be commenced in any court of Record at Westminster, &c.

No Prosecution shall be proceeded upon in a summary way for more than £200. s. 62.

The said Justices who shall be assembled at any such General Quarter Sessions of the Peace, and also such aforesaid two Justices, shall and they are hereby empowered and required to order and direct all such Ships, Vessels, Goods, Carriages, and Cattle as shall be by them declared to be forfeited, and which shall have been seized by virtue of this or the said recited Act, to be publicly sold to the highest bidder at such time and place as they shall think proper and direct; and also, by their Order

Justices to order seizures to be publicly sold, and penalties to be levied by distress.

or Warrant, to levy all and every the Penalties and Forfeitures which shall have been incurred by any Offender or Offenders against this or the said recited Act; and also all such Costs as shall have been awarded upon any Appeal touching the same, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus (if any) to the Owner and Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale. 28 G. 3. c. 38. s. 63.

How penalties  
are to be applied.

One clear Moiety of the respective Seizures, Penalties, and Forfeitures (except the Penalties of the Bonds) by this Act directed to be inflicted upon Offenders against the same (except such as are by this Act otherwise directed and applied) shall, when recovered, be paid and applied to such person or persons who shall give such Information to any Officer of his Majesty's Customs, Excise, or Salt Duties, as may be the means of recovering the same; and that after deducting the Expences of recovering such Penalties, the Remainder of the other Moiety shall be paid to the Officer or Officers assisting in making any such Seizures; but that in case any Officer or Officers of his Majesty's Customs, Excise, or Salt Duties, shall make any of the Seizures herein-before directed without Information, then, after deducting the Expences of Recovery as aforesaid, the Remainder of such Produce shall be paid to the Officer or Officers seizing the same. s. 64.

Persons export-  
ing sheep, &c.  
to be carried  
before a Justice,  
who may com-  
mit them to  
gaol, &c.

It shall and may be lawful to and for any Officer or Officers of his Majesty's Customs, Excise, or Salt Duties, Constables, and other Officer or Officers of the Peace, and for all Persons acting in their or any of their Aid or Assistance, to stop, arrest, and detain all and every the person and persons who shall be found actually exporting, or attempting to export any Sheep, Wool, or any other the said herein-before enumerated Articles, or who shall be aiding, abetting, or assisting in the exporting, or attempting to export the same, or any of them, and him, her, and them to carry and convey before one or more of his Majesty's Justices of the Peace near to the Place where the Offence shall be committed or done; and the Justice or Justices shall, if he or they see cause, commit the person or persons so brought before him or them to the County Gaol or House of Correction until the next General Quarter Sessions of the Peace to be holden for the same County, Riding, Division, or Place, there to be tried and dealt with as by this Act is directed; and the Justices at such Sessions are hereby authorized and required to examine,

hear, try, and determine all and every such Offence and Offences, and upon Conviction of the Offender or Offenders, to punish him, her, or them in manner herein-before mentioned. s. 65.

The Officer or Officers, person or persons, who shall convey any Offender arrested by the authority of this Act before any Justice of the Peace as aforesaid, shall, in case such Offender shall be committed to Prison as aforesaid, enter into Recognizance to his said Majesty, his Heirs and Successors, before such Justice, in the Sum of Forty Pounds, conditioned to appear at such General Quarter Sessions of the Peace, and to prosecute the person or persons so committed. s. 66.

Persons conveying Offenders before justices to enter into recognizances to prosecute.

If it shall appear to the satisfaction of the Justices before whom any Offender or Offenders shall be convicted of any of the Offences herein-before mentioned, for which only a pecuniary Penalty is hereby imposed, either by the Confession of the Party convicted, or by the Testimony of a credible Witness, that such Offender or Offenders have not nor hath Goods or Chattels sufficient to answer the Penalty or Penalties against him, her, or them recovered, then without giving any Warrant for the purpose, or if such Penalty or Penalties cannot be wholly levied by virtue of the Warrant or Warrants which shall be for that purpose issued, the Justices who shall have convicted such Offender or Offenders, or any other Two Justices of the same County, Division, Borough, Town, or Place, upon Proof thereof, shall and lawfully may commit every such Offender or Offenders to the Common Gaol or House of Correction of the County or Place in or for which such Justice or Justices shall then act, there to remain, without Bail or Mainprize, for any time not exceeding Three Calendar Months, unless the whole of such Penalty or Penalties shall be sooner paid. s. 67.

Where goods are insufficient to answer pecuniary penalties, the offender may be committed.

Provided always, that if any Offender ordered to be committed to Prison under or by virtue of this Act, for any Offence for which a pecuniary Penalty alone is hereby imposed, shall, before his actual Commitment to Prison, procure Security, to be given by two sufficient Sureties, to the satisfaction of the Justices before whom he shall have been convicted, for Payment of the Penalty or Penalties by him incurred, with the charges incident to his Conviction, within the space of Fourteen Days, exclusive of the Day of Conviction, then and in such Case it shall and may be lawful for such Justices to accept such Security, and upon Nonpayment thereof at the time stipulated for that purpose, it shall and may be lawful to and for the same Justices, or any other Two Justices of the Peace for the same County, Division, or

Justices may accept security for pecuniary penalties.

Place, to cause the Party convicted, and his Sureties, to be apprehended by Warrant or Warrants under his or their Hands and Seals, and them, and each and every of them, to commit to the Common Gaol or House of Correction of the County, Division, or Place in or for which such Justices shall act, for such space of Time as the Party convicted was subject and liable to have been imprisoned, in case no such Security had been given, unless such Penalty and Charges shall be sooner paid. s. 68.

Appeals from Justices may be made to the Quarter Sessions, on Two Sureties entering into Recognizances, s. 69.; and if the Appellant pay the Penalty, or be in Prison, without Sureties. s. 70.

Justices may  
summon wit-  
nesses.

Every Information to be made under this Act shall be made upon Oath; and it shall and may be lawful to and for the Justice or Justices before whom any Complaint or Information shall have been so made, to summon before them, at the instance of either Party, any person who shall in their Judgment appear to be a necessary Witness for either or any of the said Parties upon the said Complaint or Information, to appear before him or them, at a Time and Place to be specified in the Summons; and the person so summoned shall appear at the time and place specified, and submit in all things to be examined as a Witness in the Premises. s. 71.

Penalty on receiving more than the limited Fees, Five Shillings for every Penny above the allowed Fee. s. 72.

Persons prose-  
cuted to give  
bail.

In case any person shall be prosecuted in any of his Majesty's Courts of Record at Westminster for any Penalty incurred by this Act, a Capias shall and may issue, the first Process specifying the Sum of the Penalty sued for, and the person or persons so sued shall be obliged to give good and sufficient Bail and Security, by natural-born Subjects or Denizens, to the Officer serving or executing such Process against him or them, to appear in the Court out of which such Capias shall issue, at the Day of the Return of such Writ, to answer such Suit or Prosecution, and likewise shall, at the time of such Appearance, give sufficient Bail or Security by such persons as aforesaid, in the said Court, to answer and pay the Forfeitures and Penalties incurred for such Offence or Offences, in case he or they shall be convicted thereof, or to yield his or their Bodies to Prison. s. 73.

Actions to be  
tried by a jury of  
freeholders of a  
different county  
from that where-  
in the fact was  
committed.

And for the better and more impartial Trials of all Actions and Informations which shall be commenced or prosecuted by virtue of this Act, be it enacted, that such Actions and Informations shall be tried in any of his Majesty's Courts of Record

by a Jury of good and lawful Freeholders, to be summoned out of any other County than that wherein the Fact shall be committed. 28 G. 3. c. 38. s. 74.

Where there have not been made any Seizure, out of which to reward Prosecutors, the Commissioners of the Revenue to recompense them by ordering a Payment of One Shilling per Pound, or Forty Pounds if the Quantity cannot be known, to be paid by the Receiver General of the Revenue. s. 76.

Provided always, that no person or persons whatsoever shall at any time hereafter be liable to be prosecuted for any Offence, Act, Matter, or Thing done or committed contrary to this Act, unless such Prosecution shall be commenced within the space of Three Years next ensuing the Offence committed. s. 77.

Prosecutions to  
be commenced in  
three years.

The first Three persons concerned in exporting Sheep, Wool, or other Articles, not being the Owners, who shall inform thereof, shall be exempted from Penalties; and also the Owner, &c. of the Ship, upon certain Conditions. s. 78. The Statutes 23 H. 8. c. 17. and 13 Eliz. c. 25. recited, and the Penalty thereby imposed on deceitful winding of Wool, increased to Two Shillings per Fleece, the whole to be to the Prover thereof: Offences against the recited Acts may be determined by a Justice in a summary way. s. 79. Complaints for deceitful winding of Wool to be discharged, if there appears no intention to defraud. s. 80. The aforesaid Penalty, if not paid in Six Days, to be levied by Distress. s. 81. Persons complained of for selling Wool deceitfully wound, may, if it was done without their Privity, require the Appearance of the Party that so wound it, before a Justice, who is to determine the Matter, &c. s. 82. Persons aggrieved may appeal to the Quarter Sessions, &c. s. 83. No Conviction to be set aside for want of Form. s. 84.

And whereas, by an Act of Parliament passed in the Twenty-seventh Year of the Reign of his late Majesty King Edward the Third, [27 Ed. 3. st. 2. c. 23.] it was ordained, that a certain number of Winders of Wool, and other Officers therein mentioned, be sufficiently ordained for the Place where the Staple is, and they and the Correctors, and all manner of Officers of the Staple, besides the Constables, shall be sworn before the Mayor of the Staple, that they lawfully shall execute their Office, without Fraud or Deceit: And whereas all Winders now to be sworn do repair to the Mayor of the Staple at Westminster for the purpose of being so sworn, whereby the persons so desirous of being sworn are subjected to great Expence and Inconvenience; be it therefore enacted by the Authority aforesaid, that it shall and may be

Justices at the quarter sessions may administer to persons properly qualified to be sworn winders of wool, the following oath, which is to be entered in the records of the sessions;

lawful for the Justices of the Peace, who shall hereafter be assembled at any General Quarter Sessions of the Peace within the Kingdom of Great Britain, or any Adjournment thereof, and they are hereby empowered and required to administer to every such person as shall be desirous of becoming a sworn Winder of Wool, and shall produce a Certificate under the hands of any Two Growers of Wool, testifying to the Satisfaction of such Justices, that such person is properly qualified to become a sworn Winder of Wool, an Oath to the following Purport and Effect; that is to say,

“ I A. B. do swear, that I will truly and justly, without Deceit, wind and fold all and singular the Wool which I shall take upon me to wind and fold, without leaving or putting any Clay, Lead, Stones, Sand, Tails, deceitful Locks, Lambs Wool, or any other thing, whereby the Fleece may be made more weighty, to the Deceit and Loss of the Buyer; and that I will not use any other Deceit, Craft, Guile, or Fraud, in the winding or folding of any such aforesaid Wool. So help me God.”

An Entry of the administering and taking of which Oath shall be made in the Records of the said Sessions, and a Certificate thereof shall be delivered by the Clerk of the Peace, or other proper Officer, to the person who shall have taken the same. s. 85.

but persons not so sworn may be employed.

Provided always, that nothing herein contained shall be construed to hinder or prevent any one from employing any person in winding or folding of Wool, although such person shall not have been sworn in manner before mentioned. s. 86.

In Actions brought by persons claiming the Benefit of this Act against Officers, &c. for any thing done in regard to Matters hereby discharged, they may plead the General Issue, and give the Special Matter in Evidence, and the Officer, &c. shall have Costs of Suit. Limitation of Actions, Six Months. Venue in the County where Offence committed. General Issue may be pleaded. On Verdict for Defendant, Nonsuit, or Discontinuance, the Defendant shall receive Treble Costs; and if in any Action for a Seizure a Verdict be found for the Claimer, he shall not be entitled to Costs, if the Judge certify that there was a probable Cause for making it, &c. s. 91.

Persons imprisoned for exporting Wool, &c. refusing to plead, shall have judgment entered against them by default,

From and after 20th January 1717, if any person or persons shall be in Prison, for want of sufficient Bail, for unlawful Exportation of Wool or Woolfels, and shall refuse to appear or plead to a Declaration or Information to be delivered to such person or persons, or to the Gaoler, Keeper, or Turnkey of the Prison



at the said Prison, for the said Offence by the Space of One Term, Judgment shall be entered against him by default; and in case Judgment shall be obtained against any such person or persons, by Default, Verdict, or otherwise, and such person or persons shall not pay the Sum recovered against him or them for the said Offence, within the Space of Three Months after entering up of such Judgment, the Court before whom such Judgment shall be obtained, shall, by Order of Court, cause such Offender or Offenders to be transported in the same manner as Felons aforesaid, (1) for the Term of Seven Years; and if such Offender or Offenders shall return into Great Britain or Ireland before the Expiration of the said Seven Years, he or they shall suffer as Felons, and have Execution awarded against them as persons attainted of Felony, without Benefit of Clergy. 4 Geo. 1. c. 11. s. 6. This Act shall extend to all his Majesty's Dominions in America. s. 9.

and not paying the sum recovered, shall be transported as felons, and returning therefrom shall suffer death as felons.

The Statute 12 G. 2. c. 21. s. 27. reciting that the "said Act [4 G. 1. c. 11. s. 6.] extended only to the person or persons who actually exported the Wool or Woolfels, but not to their Aiders or Abettors," enacts, that the said Act and every thing therein contained, so far as the same concerns the Exporters of Wool or Woolfels, shall extend or be construed to extend to all and every person or persons who act as Aiders or Abettors to such Exporters of Wool or Woolfels, as fully to all Intents and Purposes as if the same was repeated and re-enacted in the Body of this Act.

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(1) See this at large under title TRANSPORTATION.

liable to, in case the same were respectively enquired of, tried, heard, determined, and adjudged, within any of his Majesty's Islands, Plantations, Colonies, or Dominions, by virtue of any Commission made according to the Directions of the aforesaid Acts of the Forty-sixth and Fifty-seventh Years of his present Majesty, or either of them; any Statute, Law, or Usage to the contrary notwithstanding. s. 2.

Not to affect the provisions of 33 H. 8. c. 23.

Provided always, that nothing herein contained shall repeal or affect the Provisions of an Act passed in the Thirty-third Year of the Reign of King Henry the Eighth, [33 H. 8. c. 23.] s. 3.

## FORGERY.

Persons forging lottery tickets, certificates, or orders, or uttering same knowing them to be forged, guilty of felony without clergy.

The Statute 59 G. 3. c. 65. "for raising a Sum of Money by Lotteries" enacts (s. 11.) that if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting any Ticket or Tickets, Certificate or Certificates, Order or Orders, made forth by virtue of this present Act, or alter any Number, Figure, Word, or Letter therein, or knowingly utter, vend, barter, or dispose of any such false, altered, forged, or counterfeited Ticket or Tickets, Certificate or Certificates, Order or Orders, or shall bring any such forged or counterfeited Ticket, Certificate, or Order, or any such Ticket, Certificate, or Order, the Number whereof, or any Figure, Word, or Letter therein, shall have been altered (knowing the same to be forged, counterfeited, or altered), to the said Managers and Directors or any of them, or to the Cashier or Cashiers or Accountant General of the Bank of England for the time being, or to any other person or persons whatsoever, with a fraudulent Intention, or shall willingly aid, abet, assist, hire, or command any person or persons to commit any such Offence or Offences as aforesaid, then and in every such Case, all and every such person or persons, being thereof convicted in due Form of Law, shall be adjudged a Felon, and shall suffer Death as in Cases of Felony without Benefit of Clergy; and the said Managers and Directors, or any Two or more of them, are hereby authorized, required, and empowered to cause any person or persons bringing or uttering such forged or counterfeited Ticket or Tickets, Certificate or Certificates, Order or Orders as aforesaid, or aiding, abetting, assisting, hiring, or commanding any person or persons therein, to be apprehended, and to commit him, her, or

judged, and punished in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, under or by virtue of the King's Commission or Commissions which shall have been, or shall hereafter be, issued under and by virtue of an Act passed in the Forty-sixth Year of his present Majesty [46 G. 3. c. 54.]; and that doubts have arisen whether in the said Settlements in the Bay of Honduras, there be a Fort or Factory to which a Commission may issue for the Trial of Offences under the said last-mentioned Act;" and that "by reason of such doubts, and the great delay and difficulty of removing Offenders in Honduras for Trial to England, or to any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, such Crimes do oftentimes escape unpunished;" and then, for remedy thereof, enacts that from and after the passing of this Act, all Murders, Manslaughters, Rapes, Robberies, and Burglaries committed, or that shall be committed on Land at the said Settlement in the Bay of Honduras, may be enquired of, tried, heard, determined, and adjudged within the said Settlement in the Bay of Honduras, under or by virtue of the King's Commission or Commissions under the Great Seal of Great Britain, to be directed to any such Four or more discreet persons, as the Lord Chancellor of Great Britain, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the time being, shall from time to time think fit to appoint, in the same manner as is provided and enacted with respect to any Crimes directed to be enquired of, heard, determined, or adjudged, under and by virtue of any Commission issued under and by virtue of the aforesaid Act of the Forty-sixth Year of his present Majesty, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories.

Certain offences committed on land in the bay of Honduras, to be tried under a commission under the great seal.

The Commissioners so to be appointed, or any Three of them, shall have such and the like Powers and Authorities for the Trial of all such Murders, Manslaughters, Rapes, Robberies, and Burglaries, committed within such Settlement in the Bay of Honduras, as any Commissioners appointed or to be appointed under the said Act of the Forty-sixth Year of His present Majesty have, or would have, for the Trial of any Offences committed upon the Seas; and all persons convicted of either of the said Offences so to be tried by virtue of any Commission to be issued according to the Directions of this Act, shall be subject and liable to, and shall suffer all such and the same Pains, Penalties, or Forfeitures, as by any Law or Laws now in force persons convicted of the same respectively would be subject and

Powers of the commissioners appointed under such commission.

liable to, in case the same were respectively enquired of, tried, heard, determined, and adjudged, within any of his Majesty's Islands, Plantations, Colonies, or Dominions, by-virtue of any Commission made according to the Directions of the aforesaid Acts of the Forty-sixth and Fifty-seventh Years of his present Majesty, or either of them; any Statute, Law, or Usage to the contrary notwithstanding. s. 2.

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and the like Powers and Authorities for the Trial of Murders, Treasons, Piracies, Felonies, Conspiracies, within any such Islands, Plantations, Colonies, Factories, as any Commissioners appointed according to the Directions of the Statute of the 1st Year of the Reign of King Henry the Eighth, (1) as now in force, have or would have for the Trial of Offences within this Realm;" and that "by an Act made in the Fifth Year of His Majesty's Reign, [51 Geo. 3. See page 941 of this Work], the carrying away or removing from any Part of Africa of any person or persons whatsoever as a Slave or Slaves, and the wilfully shipping, embarking, receiving, detaining, or confining on board any Ship, Vessel, or Boat, any person or persons for the purpose of his or their being so carried away or removed, and divers other Offences against that Act and other Acts for abolishing the Slave Trade, are declared respectively to be Felonies and Misdemeanors, and the Offenders, their Aiders and Abettors, are respectively made liable to such Pains, Penalties, and Forfeitures, as are therein mentioned and provided; but the Provisions thereby made for the Trial of such Felonies and Misdemeanors, when committed by British Subjects in Africa, have been found to be inconvenient and ineffectual;" and that "by an Act made in the Fifth Year of his Majesty's Reign, [58 Geo. 3. c. 98. See page 948 of this Work], it is enacted, that all Offences declared by the said Act of the Fifty-first Year of his Majesty's Reign to be Felonies or Misdemeanors, committed or which shall be committed on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, may be inquired of, tried, and determined under and by virtue of any Commission already issued, or hereafter to be issued, according to the Directions of the said recited Act of the Forty-sixth Year of his Majesty's Reign;" and that "Offences which by the said recited Act of the Fifty-first Year of his Majesty's Reign, are declared to be Felonies or Misdemeanors, have been or may be committed by British Subjects in Africa, either on Shore or in Rivers, or other Places where the Admiral has no Jurisdiction, and it may be impossible in such Cases to bring the Offenders to Justice under any of the said recited Acts, or any other Laws now in being, without great Inconvenience, Expence, and Delay;" and then enacts, that each and every Offence declared by the said

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(1) 28 H. 8. c. 15., which see under Title PIRACY, I. § 1.

## LARCENY AND ROBBERY.

Persons stealing  
any lottery  
ticket or share  
declared guilty of  
felony.

Every person who shall, after the passing of this Act, steal or take by Robbery any Ticket or Tickets, or any Share or Shares, or Chance or Chances of any Ticket or Tickets made, shared, or issued under the Authority of this Act, being the Property of any person or persons, or of any Corporation, shall be deemed and construed to be guilty of Felony of the same nature and in the same degree, with or without the Benefit of Clergy, in the same manner as if such Offender or Offenders had stolen or taken by Robbery any other Goods or Chattels of like Value with the Ticket or Tickets, Share or Shares, Chance or Chances, which shall have been so stolen or taken by Robbery; and such Offender shall suffer such Punishment as he or she should or might have done if he or she had stolen other Goods of the like Value; any Law to the contrary notwithstanding. 59 G. 3. c. 65. s. 60.

Provided that no Attainder for any Offence hereby made Felony shall make or work any Corruption of Blood, Loss of Dower, or Disherison of Heirs. s. 61.

## SLAVE TRADE.

The Statute 59 G. 3. c. 97. which is intitled "An Act to extend the Provisions of an Act made in the Forty-sixth Year of his Majesty's Reign [46 G. 3. c. 54.] to the Trial of Offences committed in Africa against the Laws for abolishing the Slave Trade;" recites that by that Act "it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what nature or kind soever, committed upon the Sea or in any Haven, River, Creek, or Place where the Admirals or Admiral have Power, Authority, or Jurisdiction, may be inquired of, heard, determined, and adjudged according to the Common Course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, under and by virtue of the King's Commission or Commissioners under the Great Seal of Great Britain, to be directed to any such Four or more discreet Persons as the Lord Chancellor of Great Britain, Lord Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the time being, shall from time to time think fit to appoint; and that the said Commissioners or any three of them



shall have such and the like Powers and Authorities for the Trial of all such Murders, Treasons, Piracies, Felonies, Conspiracies, and other Offences, within any such Islands, Plantations, Colonies, Dominions, Forts, or Factories, as any Commissioners appointed or to be appointed according to the Directions of the Statute of the Twenty-eighth Year of the Reign of King Henry the Eighth, (1) by any Law or Laws now in force, have or would have for the Trial of the said Offences within this Realm;" and that "by an Act made in the Fifty-first Year of His Majesty's Reign, [51 Geo. 3. c. 23. See page 941 of this Work], the carrying away or removing from any Part of Africa of any person or persons whatsoever as a Slave or Slaves, and the wilfully shipping, embarking, receiving, detaining, or confining on board any Ship, Vessel, or Boat, any person or persons for the purpose of his or their being so carried away or removed, and divers other Offences against that Act and other Acts for abolishing the Slave Trade, are declared respectively to be Felonies and Misdemeanors, and the Offenders, their Aiders and Abettors, are respectively made liable to such Pains, Penalties, and Forfeitures, as are therein mentioned and provided; but the Provisions thereby made for the Trial of such Felonies and Misdemeanors, when committed by British Subjects in Africa, have been found to be inconvenient and ineffectual;" and that "by an Act made in the Fifty-eighth Year of his Majesty's Reign, [58 Geo. 3. c. 98. See page 948 of this Work], it is enacted, that all Offences declared by the said Act of the Fifty-first Year of his Majesty's Reign to be Felonies or Misdemeanors, committed or which shall be committed on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, may be inquired of, tried, and determined under and by virtue of any Commission already issued, or hereafter to be issued, according to the Directions of the said recited Act of the Forty-sixth Year of his Majesty's Reign;" and that "Offences which by the said recited Act of the Fifty-first Year of his Majesty's Reign, are declared to be Felonies or Misdemeanors, have been or may be committed by British Subjects in Africa, either on Shore or in Rivers, or other Places where the Admiral has no Jurisdiction, and it may be impossible in such Cases to bring the Offenders to Justice under any of the said recited Acts, or any other Laws now in being, without great Inconvenience, Expence, and Delay;" and then enacts, that each and every Offence declared by the said

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(1) 28 H. 8. c. 15., which see under Title PIRACY, I. § 1.

Offences declared by the 51 G. 3. c. 23. felonies or misdemeanors, committed by any of his Majesty's subjects in Africa, not being within the jurisdiction of an admiral, &c. may be tried by commission, agreeably to 46 G. 3. c. 54.

Act of the Fifty-first Year of his Majesty's Reign to be a Felony or Misdemeanor, committed or which shall be committed by any Subject or Subjects of his Majesty, his Heirs or Successors, in Africa, or in any of the Rivers, Ports, or Harbours thereof, not being a Place where the Admiral has Jurisdiction, and not being within the Local Jurisdiction of any Ordinary Court of a British Colony or Settlement in Africa competent to try such Offence, may be inquired of, tried, and determined under and by virtue of any Commission already issued, or hereafter to be issued, according to the Directions of the said recited Act of the Forty-sixth Year of his Majesty's Reign.

## I N D E X

TO THE

## G E N E R A L M A T T E R.

*The Words in Italics denote the same Titles in this Volume. At the Head of most of those Titles in the Work will be found an Epitome of their Contents.*

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## ADDENDA ET ERRATA.

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**Preface to Part I.** p. vii. note (2), line 7, *for* "Statute" *read* "Statutes."

**Page** 19, line 13 from the top, *add* " s. 3."

337, title **HAWKS**, *for* " 13 Ed. 3. c. 10." *read* " 13 Ed. 3. c. 19."

400, line 13, *for* " and" *read* ante."

404, line 6, *for* "when" *read* "where."

448, line 22, *for* " 42 G. 3. c. 129." *read* " 48 G. 3. c. 129."

455, line 10, *for* "timeeing" *read* "time being."

581, line 11, *for* " 23 G. 2. c. 27." *read* " 23 G. 2. c. 13."

584, line 7, *for* " 23 G. 2. c. 27. s. 4." *read* " 23 G. 2. c. 13. s. 4."

585, line 2, *for* " 23 G. 2. c. 27." *read* " 23 G. 2. c. 13."

609, line 26, *for* " 22 G. 2. c. 23." *read* " 22 G. 2. c. 33."

645, line 26, *add* " The above Statute was made perpetual by 28 G. 2. c. 19."

647, line 12, *for* " perhaps the Matter under this Head" *read* " perhaps the Matter under *the first Section of this Head.*"

766, line 9, *for* " 2 G. 2. c. 28. s. 13." *read* " 2 G. 2. c. 28. s. 12."

1004, line 9, *for* " 22 G. 2. c. 23." *read* " 22 G. 2. c. 33."



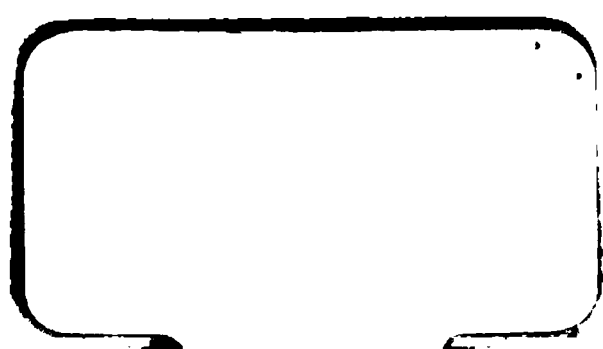












W 33

